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BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
CENTRAL VALLEY AUDITORIUM
SACRAMENTO, CALIFORNIA

TUESDAY, APRIL 16, 2002
9:30 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Linda Moulton-Patterson, Chairperson

Dan Eaton

Steven R. Jones

Jose Medina

Michael Paparian

David Roberti

STAFF

Mark Leary, Executive Director

Kathryn Tobias, Chief Counsel

Terry Jordan, Deputy Director

Julie Nauman, Deputy Director

Rubia Packard, Assistant Director

Pat Schiavo, Deputy Director

Patty Wohl, Deputy Director

Fernand Berton

Elliot Block, Staff Counsel

Marke De Bie

Patti DuMont

Martha Gildart, Supervising Waste Management Engineer

Kristen McDonald

Diane Nordstrom

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APPEARANCES CONTINUED

STAFF CONTINUED

Chris Peck

Georgianne Turner

Susan Villa

Scott Walker

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON. I'll call our
3 meeting to order. And I'd like to welcome everyone to the
4 April board meeting of the California Integrated Waste
5 Management Board.

6 Would you join me in the flag salute.

7 (Thereupon the Pledge of Allegiance was
8 recited in unison.)

9 CHAIRPERSON MOULTON-PATTERSON: Thank you.

10 Would the secretary please call the role.

11 SECRETARY VILLA: Eaton?

12 BOARD MEMBER EATON: Aye.

13 SECRETARY VILLA: Jones?

14 BOARD MEMBER JONES. Here.

15 SECRETARY VILLA: Medina?

16 BOARD MEMBER MEDINA: Here.

17 SECRETARY VILLA: Paparian?

18 BOARD MEMBER PAPARIAN: Here.

19 SECRETARY VILLA: Roberti?

20 Moulton-Patterson?

21 CHAIRPERSON MOULTON-PATTERSON: Here.

22 We have a quorum.

23 And at this time I'd like to thank everyone for
24 your patience with our drill.

25 And if you would please turn off your cell phones

1 and pagers, we'd appreciate it. And on behalf of the
2 Governor and the California Legislature, please continue
3 to conserve energy.

4 We have a limited number of copies of the agenda
5 in the back of the room. Also, if you wish to speak on
6 any agenda item, please fill out a form and note the
7 agenda item and give it to Ms. Villa, who is right over
8 here to my right, and we will be sure that you have a
9 chance to speak.

10 Do any Members have expartes? We'll start with
11 Mr. Eaton.

12 BOARD MEMBER EATON: I'm up to date, Madam Chair.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you.

14 Mr Jones?

15 BOARD MEMBER JONES: Evan Edgar this morning, and
16 Denise Delmatier. And then just a chat about golf with
17 Dave Altman, who hates hearing his name on the ex parte.

18 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

19 BOARD MEMBER MEDINA: I'm up to date at this
20 time.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 Mr. Paparian?

23 BOARD MEMBER PAPARIAN: Just a brief general
24 conversation with John Cupps and also Denise Delmatier.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 And I'm up to date.

2 Okay. Reports from Board Members.

3 Mr. Eaton.

4 BOARD MEMBER EATON: Just a couple notes here,
5 Madam Chair.

6 First and foremost, sorry I couldn't make it to
7 the trade show, I couldn't get up in the air, and I didn't
8 think of driving. But I understand that it was a success.
9 And hopefully the next one will be even be bigger and
10 better.

11 Two things: First, I had the privilege of going
12 down to the RMDZ conference in San Francisco a couple of
13 weeks ago. It seems like months. And I think it was not
14 only well attended, but there was a quite candid exchange
15 about -- from those who run the programs locally and our
16 staff. And that hopefully very shortly we will begin to
17 work on, through the Committee process, some ideas and
18 also some issues that have arisen with regard to two
19 things; one being the reauthorization of the program,
20 which is said to expire in 2006. Although, we're in 2002,
21 by the time you get legislation reauthorizing -- oh,
22 time's up. Okay, I'm off. You know, no Academy Award
23 today. All right. Thank you.

24 I didn't even get to thank anyone. All right.

25 But I think that the program is one where the

1 individuals are committed in the types of loans. And what
2 they are doing with the money is extremely important if we
3 are to succeed in terms of marketing and also to get the
4 industrial as well as the manufacturing side of our market
5 development program going. So that was a very successful
6 program, and our staff did an excellent job, as did the
7 people that were invited to speak.

8 And that's about it, Mr. Jones.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
10 Eaton.

11 Mr. Jones.

12 BOARD MEMBER JONES: Thanks, Madam Chair.

13 Just a couple of things.

14 I agree with Mr. Eaton, the Recycled Product
15 Trade Show was outstanding. Staff did a great job.

16 I just want to talk about three things quickly.

17 The Western Tire Recycling Conference down in
18 Indio was a big success. I think good participation, tire
19 staff did a great job putting it together.

20 We got a letter -- or a couple of us got some
21 E-mail from Michael Blumenthal from the, I think they're
22 called, the Rubber Manufacturing Association now, who
23 offered to help work with the Board a little more
24 actively. That thing has been named quite a few things;
25 one of them was the Scrap Tire Management Council. But

1 it's the -- all the tire manufacturers that fund that.
2 And I challenged them from -- in my keynote address to
3 start getting more active in California. You can't just
4 walk around saying that 77 percent of all tires in the
5 nation are being recycled when that's not even close to
6 being accurate.

7 So I was glad to see that they responded with an
8 E-mail that said they want to do something with us. And
9 it's been a while. I challenged them in Louisville, and
10 they never, ever called.

11 And then the Job Shadow Day that Catherine
12 Foreman put together for the Waste Board. I had a junior
13 in high school from the west campus of Hiram Johnson
14 that actually got involved in a pretty busy day that day.

15 So it was pretty good. I enjoyed it. And I
16 think it's good that our staff was as active -- I think we
17 had 16 or 18 people that participated and let somebody get
18 drug around for the day and kind of see what we do.

19 And then last, but not least, the PR 1133 hearing
20 that our Chairwoman and I attended with staff to testify.
21 And I'll leave most of that discussion to others. But I
22 do want to thank the P&E staff and the Waste Prevention
23 -- or I guess it's Waste Prevention and Market
24 Development. Those two staffs worked very hard to put
25 this together. And we were prepared. And now we have a

1 lot more work to do because we have challenged them to
2 look at best-management practices; and the direction from
3 their board to staff was to actually look at some of those
4 things. So we've got an awful lot more work to do and --
5 but I do appreciate the effort of all.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
7 Jones.

8 Mr. Medina.

9 BOARD MEMBER MEDINA: Thank you, Madam Chair.

10 I'd like to report that on April the 9th, 2002,
11 you and I met with Mr. Jeff Morales, Director of the
12 California Department of Transportation to discuss
13 increasing the use of rubberized asphalt concrete in
14 CalTrans road projects.

15 As you all know, the use of rubberized asphalt
16 concrete helps the State to divert a substantial number of
17 tires from landfills. And with more than 32 million tires
18 being disposed of each year, the more we divert from
19 landfills the better. And a report to the Legislature,
20 CalTrans reported that more than 2.6 million tires were
21 diverted in 2000.

22 Through the second quarter of 2001 CalTrans has
23 used 1.1 million tires in State road projects. In
24 addition, CalTrans used approximately 600,000 crum tires
25 for fill on one successful pilot project. And this

1 provides and example of the potential uses for waste
2 tires.

3 Both the Chair and I were pleased to hear that
4 CalTrans will continue to increase the use of RAC in
5 future projects.

6 Last month I reported that I had requested a
7 report on wood pallets and industrial wood-waste recovery
8 projects, a study that was conducted in the State of
9 Florida. I now have a copy of the requested copy. And if
10 any Board Member would like to see a copy, please contact
11 my office, and we'll be happy to provide this.

12 And, Madam Chair, I'd also like to add my
13 congratulations to staff for pulling off an excellent
14 product trade show at the Disneyland Conference Center,
15 which I attended.

16 The venue was an excellent location for our first
17 effort for a product trade show in southern California,
18 and I look forward to more product trade shows in the
19 future.

20 I was glad to see that Mickey was not only able
21 to cut the ribbon but also to cut the speeches to a
22 minimum. And that's allowing the show to begin
23 expeditiously.

24 And my appreciation goes out to the Cabazon Tribe
25 for being an exhibitor and the Morongo Tribe for being a

1 sponsor. The Morongo Tribe sponsored some mugs for the
2 trade show, and we have those available for show also.

3 And that's all that I have to report at this
4 time.

5 Thank you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
7 Medina.

8 Mr. Paparian.

9 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

10 I also attended the Western Regional Tire
11 Conference. I thought it was a very interesting event as
12 well.

13 And the Recycled Product Trade Show, you're
14 getting a lot of kudos, Patty Wohl and Jerry Hart and all
15 the staff. I know that some of the staff worked overnight
16 the night before trying to put the final touches on it.
17 And it really showed. You know, the last time I spent the
18 night at Disneyland I was at Grad Night, and I won't go
19 into that story.

20 The little touches and the big touches there at
21 the trade show, I think really -- you know, were really
22 important. It really helped to showcase the recycled
23 products and do it in a way that gathered a lot of
24 attention, and very positive feedback from the
25 participants and the exhibitors.

1 I know that a number of exhibitors came up to me
2 at the reception Thursday evening and really -- were
3 expressing how pleased they were, not only the look of the
4 show, but the quality of the participants who were coming
5 through their booths, not just sort of rambling wandering
6 through, but rather having something really -- having some
7 real interest in the products that were being showcased
8 there.

9 Some of the little touches even; you know, the
10 bags for the show this year were a bit bigger and,
11 therefore, a little more reusable after the show for
12 groceries or other purposes. I know my bag was snatched
13 by my stepmother when she saw it when I was visiting her.

14 I had a couple other things I wanted to mention.
15 As everybody knows, we have an opening, tech senior
16 position opening in my office. And we're anticipating
17 trying out something new with this position, and that is
18 filling the position on a rotating temporary basis.

19 In other words, trying to get somebody to serve
20 in the position for four months at a time; and then during
21 their tenure in my office, not only taking on some of the
22 daily board member office work, but also completing a
23 special project. We're expecting to get some formation
24 out on this within the next few days.

25 And I wanted to especially thank Laurie Karlstad

1 and Terry Jordan for all their help in getting this
2 position information together. And I'd like to encourage
3 staff to look for the bulletin in the next few weeks.

4 And then, finally, I just wanted to report that
5 our office received something that we've been waiting for
6 for months and, that is, our worm bin. And our worms are
7 very active little critters and are doing a good job. If
8 anyone wants to come and visit them, I'm sure they'll be
9 happy to entertain you with their frolicking through the
10 bin. But they've been taking care of our coffee grinds
11 and lunch scraps and other material, and are very
12 productive.

13 CHAIRPERSON MOULTON-PATTERSON: Great. Thank
14 you.

15 Senator Roberti, do you have any ex partes and a
16 report?

17 BOARD MEMBER ROBERTI: I do not have any ex
18 partes.

19 A report, very briefly.

20 I attended the second day of the Recycled Product
21 Trade Show, and I just thought it was excellent. I want
22 to commend the staff for all that work that they put in.
23 And I hope on future programs of the Board we can remember
24 to consider southern California as a major part of the
25 State, deserving of some of our attention. And then the

1 staff really did very, very well.

2 I made a number of visits -- site visits in parts
3 of the State. One that was very interesting to me as I
4 went to the City of Lynwood. And I really think the Board
5 should give some consideration to the problems, in
6 compiling our diversion numbers, of cities that are very,
7 very poor.

8 Lynwood seems to have a compilation of problems
9 where jurisdictions with more authority that dispose of
10 their trash from the city and the city seems to have no
11 control over it. That, plus the fact that they have
12 little money, forces them to have what strike me as skewed
13 numbers; and one which I think the Board has a duty to try
14 to come to the assistance of some of these cities. In
15 Lynwood's case, they have trash from the Alameda corridor,
16 the Los Angeles River, and a terrible mess from the
17 Norwalk Freeway, none of which is of their making.

18 So when we consider a request for a continuation,
19 I think that's something that we should take into
20 consideration, even more so. I hope we develop programs
21 that assist these jurisdictions somewhat in solving some
22 of their problems.

23 I visited a couple of sites which in the past
24 have received awards from us. I went to Sohn Reesa
25 Furniture Company. They do wonderful things with office

1 furniture. They make high-end office furniture out of
2 scrap metal, of things that we just thought should be
3 discarded. It's a wonder to see.

4 The entrepreneurial and artistic spirit that
5 sometimes some of our stakeholders engage in, that
6 sometimes you don't see unless you're in on site to do it.

7 And I visited a medical supply company that -- in
8 two cases, where they have programs for waste to energy
9 that has no aerial residue. It was very interesting.
10 What else do you do with medical supplies? They're hard
11 to recycle. And these are some of the new functions that
12 I hope we will give some attention to at the same time.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you,
14 Senator. And I couldn't agree with you more about the
15 area around the Alameda corridor. As I believe I reported
16 at least at the briefing -- I'm not the sure if it was at
17 a board meeting -- but I joined Secretary Hickox, and a
18 number of others went along, on a visit -- a toxic tour of
19 that area, and it was just -- Huntington Park, Wilmington,
20 Vernon, these areas -- you know, if there was ever a case
21 to be made for environmental justice, you just have to
22 visit that area. And I certainly hope we can do whatever
23 we can to help in all those areas. And we're working
24 on -- hopefully, we can work on something that can start
25 the ball rolling -- on La Montania that is there -- and I

1 just couldn't agree with you more.

2 I believe that everyone is aware that we created
3 four standing committees. These committees are Permitting
4 and Enforcement; Diversion, Planning and Local Assistance;
5 Special Waste and Waste Prevention -- no, Special Waste
6 and Waste Prevention and Market Development altogether,
7 that's one; and Administrations and Budget.

8 The committees met for the first time this month
9 prior to this Board meeting.

10 I'd like to express my appreciation to my fellow
11 board members who have accepted the position of Chair of
12 these committees -- Mr. Jones, Mr. Medina, and Mr.
13 Paparian have -- and also fellow Board Members, and to the
14 staff for all of their hard work to get off to a
15 successful start.

16 As a result of their outstanding efforts, many of
17 these items have been proposed for the consent agenda.
18 And this will allow us to focus on and discuss other
19 significant matters.

20 I would, however, like to emphasize that the work
21 of the Committees does not mean that the Board has acted.
22 Although the Committee meetings may constitute the time
23 and place where major discussion and deliberations of a
24 matter will be initiated, these matters are not decided
25 until the full Board acts at the monthly Board meeting.

1 I've heard many positive comments about the
2 Committee structure. But it is important to send a clear
3 message to our staff and stakeholders that deliberations
4 and voting does not constitute action until and unless it
5 occurs by the full Board at the monthly board meetings.

6 Also, I'd just like to report that, along with my
7 colleagues, I just thought the Recycled Trade Show in
8 southern California was fantastic. And I know a lot of
9 work by your Department, Ms. Wohl, went into that. And we
10 very much appreciate it. It was very, very successful.

11 Also, your group and Ms. Nauman worked very hard
12 to help prepare us to speak to the AQMD. As Mr. Jones had
13 noted, we do have a lot of work still to go. But I feel
14 like we are starting to work with their staff, and that
15 was very helpful.

16 As Mr. Medina reported, our meeting with Mr.
17 Morales of CalTrans was very productive.

18 And I also want to thank Mr. Leary and the entire
19 staff for all their work at the budget hearings. Thank
20 you very much for a job well done.

21 And with that I will turn it over to Mr. Leary.

22 BOARD MEMBER MEDINA: Madam Chair --

23 CHAIRPERSON MOULTON-PATTERSON: Yes, Mr. Medina.

24 BOARD MEMBER MEDINA: -- if I might.

25 I have two ex partes that I have to report here.

1 One is a letter dated April 12th, on Agenda Item
2 Number 37 regarding alternative daily cover. And the
3 letter is from Chuck Helgut, Josh Paine, Kelly Aster,
4 Denise Delmatier, Mark Aprea, Chuck White.

5 Also a letter dated April 15th, on conversion
6 technologies, received from Robert Nelson.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Medina.

9 Mr. Leary.

10 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
11 Chair. And good morning, Members.

12 Taking advantage of the segue way there on the
13 budget, I'd like to fill the Board in on some of the
14 activities that have occurred in regard on our budget.

15 Both the Senate and the Assembly subcommittees
16 have approved our budget, I'm happy to report. However,
17 the Senate Budget Subcommittee Chair, Senator Sher,
18 advised everyone that was proceeding through the budget
19 hearings in his committee that although the budget was
20 voted on and moved, the Committee reserves the right to
21 reopen our discussion on our budget, up to and including
22 May 9th when they consider their final actions.

23 There were four specific committee actions that
24 you should be aware of. Senate Subcommittee Two requested
25 that the Board report before May 9th on specified E-waste

1 and waste-diversion goal matters, which we are in the
2 midst of preparing that report and should have it to them
3 well in advance of the May 9th deadline.

4 The Senate Subcommittee Two also directed that
5 the budget bill language establish program parameters,
6 that is, no transformation related to our BCP Number 1 on
7 energy generation municipal solid waste residuals, and
8 asked that we provide a supplemental report by January
9 10th, 2004.

10 In the Assembly side, the Assembly Subcommittee
11 Number 3 directed the Board to work with local governments
12 regarding the storm water oil pollution control activities
13 passed as a result of Assembly Bill 1201 by Assemblywoman
14 Pavley last year.

15 And then, fourthly, Assembly Subcommittee 3 also
16 adopted supplemental report language detailing how the
17 Board is to ensure that its grant recipients comply with
18 all state and local permit and licensing requirements and
19 with applicable laws and regulations. That report is due
20 back to the Assembly Subcommittee by December 3rd of this
21 year.

22 So with that, we came through relatively
23 unscathed. And Terry Jordan and I will keep you updated
24 on the progress of our budget as it proceeds.

25 I'd like to thank the Board for all its positive

1 comments about the Recycled Product Trade Show. Just to
2 add a little further information now that it's concluded.
3 We had over 112 exhibit spaces filled through the entire
4 convention floor at the Disneyland Hotel. And our
5 preliminary attendance figures show that approximately 800
6 people attended on Thursday and about 500 on Friday.

7 There were a couple things we did differently as
8 a result of this trade show, and I'm sure you've noticed.
9 Three workshops were held in conjunction with the trade
10 show: On AB 75 requirements; school waste diversion; and
11 buy recycled. They were held late on the first day; and I
12 think as a result of holding them in conjunction with the
13 trade show, they were very well attended. And I think our
14 message got out on those three matters to a larger
15 audience than it might have otherwise.

16 The exhibitor reception at the end of the first
17 day was a new addition to the trade show. And I think
18 that provided an excellent opportunity for exhibitors and
19 staff as well as board members to kibitz a little bit
20 about how it was succeeding and where it wasn't succeeding
21 and ideas for the future. And so we thought that was a
22 great addition to the trade show.

23 And we'd like to reciprocate your appreciation of
24 staff by returning that appreciation to you in your
25 participation in the trade show and the fact that several

1 of you participated in events, like the ribbon-cutting
2 ceremony and judging exhibits and presenting awards, and
3 demonstrating your full support for this effort. So
4 together I think it accomplished a very good event.

5 I'd like to add my personal thanks of course to
6 the staff, to Patty, to Jerry, and the whole team for
7 their outstanding effort. They worked tirelessly, as a
8 number of you have mentioned. And there's an amazing
9 level of detail and commitment required to pull off an
10 event of that size. So, again, thanks for everyone.

11 We are preparing a video on the event. And I
12 think Frank and his team will be prepared to present that
13 to you all at the May board meeting, show a little video
14 on the success of the trade show.

15 I had considered making some comments about
16 events that have occurred in relation to the organics,
17 DPR's activities, and PR 1133; but I think they'll all be
18 covered in Patty's item on the organic industry that she's
19 prepared, so I'll skip those in the interest of time.

20 But I would like to note that the 45-day formal
21 comment period has started on the Board's compostable
22 materials regulations. It started on March 29th and will
23 conclude with a public hearing at our meeting on May 14th.

24 Staff is planning to address the input we'll get
25 from stakeholders in advance of that meeting and possibly

1 through a subsequent 45-day comment period. If history is
2 any indicator, I suspect we'll go to maybe one or more
3 then on the 15-day comment period. But at least the
4 regulations are out there and progressing.

5 A couple of quick takes. We are currently
6 administering three career executive assignment
7 examinations to recruit for positions of Chief Deputy
8 Director, Deputy Director for Special Waste Division, and
9 the Assistant Director for Legislative and External
10 Affairs. We're optimistic that the examination process
11 will be completed and hopefully have some appointments in
12 place by May or June.

13 The Waste Reductions Award Program opened its
14 10th annual application period on April 1st. This year's
15 applications have been modified to solicit more
16 qualitative information from the program participants.
17 Emerging issues being addressed in this year's application
18 include E-waste, sustainability, stewardship and
19 environmental justice. In addition to the printed
20 version, the applications are available in two formats
21 through the web site for ease of use. The application
22 period runs until June 30th.

23 You will note on the public agenda that we have
24 two awards presentations planned for the lunch break
25 today: The presentation of award recipients for Board

1 Trash Cutter Awards Program, as well as the State agency
2 recycling programs.

3 We ask the public if they care to join, several
4 of you in the lobby, to make those awards presentations.

5 Just as this Board meeting is being broadcast via
6 the internet to all corners of the globe, so too will the
7 Committee meetings be broadcast through the internet from
8 this point forward. So in the interests of participation
9 and public information, we will be continuing to use the
10 advanced tool that the internet provides to get our word
11 out there.

12 And then, finally, you'll note that Rubia Packard
13 is not present here this morning. She is representing us
14 at the Governor's Office of Planning & Research in their
15 quarterly environmental justice meetings, and will be
16 participating for us and representing us there.

17 That concludes my comments.

18 Thank you very much.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you.

20 BOARD MEMBER ROBERTI: Madam Chair?

21 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

22 BOARD MEMBER ROBERTI: On the trade show I forgot
23 to mention -- and I'd indicated when I was there I was
24 going to -- that the design of our four booths was really
25 very, very excellent, and it was a great introduction to

1 the show itself. And, in fact, I was one of the judges on
2 the last day. And if I had my "druthers," I would have
3 voted for our booths to come in first, but that wouldn't
4 have looked very good. So I figured they were sort of
5 retired off to a championship position and the awards went
6 to other people.

7 But for all the staff that put those booths
8 together, they were really excellent, very informative,
9 telling me things about the Board that I frankly have to
10 admit I didn't know about myself, and well presented, a
11 very nice introduction to the whole show.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you,
13 Senator Roberti.

14 Okay. At this time, we will move to the consent
15 agenda.

16 I did want to mention -- and correct me if I'm
17 wrong, Mr. Leary -- Items 8, 13 and 43 have been pulled;
18 is that correct?

19 EXECUTIVE DIRECTOR LEARY: They have been pulled
20 largely as the result of committee action.

21 CHAIRPERSON MOULTON-PATTERSON: Okay. And the
22 items that have been proposed for consent, I'll read them:
23 7, 9, 10, 11, 12, 15, 23, 25, 26, 27, 30, 32, 38, 40, 41,
24 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56,
25 57, 58, and 159.

1 Before I ask for pulling, did I get that correct?

2 EXECUTIVE DIRECTOR LEARY: Yes, Madam Chair.

3 Although, I am aware that one member has requested that
4 agenda Item 50 be pulled from the consent calendar.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. So we'll
6 take 50 off.

7 Any other pulls?

8 Mr. Eaton.

9 BOARD MEMBER EATON: I have a quick question for
10 Mr. Block with regard to the conflict of interest item.
11 It's on consent, but I have a question about it. And it
12 will only take a second, I believe.

13 In my categories -- disclosure categories, it's
14 got Board Member, Board Advisor, then scratched through is
15 "Deputy Advisor." Committee analyst is still in there.
16 And Senior IWMS. What is Senior IWMS?

17 STAFF COUNSEL BLOCK: My understanding is --

18 BOARD MEMBER EATON: Is that just a category
19 change or --

20 STAFF COUNSEL BLOCK: Yes, yes. In other words,
21 my understanding -- what this provisions is doing is
22 catching the conflict of interest code up to the current
23 classifications that are used in the organization charts.
24 So there are some board member offices that have had --
25 sorry, did you say Senior IWMS's? -- some of those

1 positions in their offices. So it's just reflecting that.

2 BOARD MEMBER EATON: Right. I just want to make
3 sure that a category is not escaping, like Deputy Advisor
4 or anything like that.

5 And then the other issue with Mr. Paparian with
6 regard to his individual -- one of the things I'd like to
7 find out -- not find out, but I think for us, for board
8 protection and for the board members' protection is if
9 anyone does come on temporarily in a position wherein they
10 do assume certain duties, do they then have to fill out a
11 conflict of interest statement as a committee analyst or
12 whatever because they are in a position which can
13 influence decision making at that point? I don't have a
14 problem, but that's just -- you know, I just wanted to
15 make sure that we're not letting people, you know, perform
16 without the proper disclosure.

17 STAFF COUNSEL BLOCK: Understood. And they would
18 have to disclose in that situation.

19 BOARD MEMBER EATON: Okay. Thank you.

20 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
21 Mr. Eaton.

22 Any other items other than Item 50, that's been
23 pulled off consent?

24 Okay. Mr. Jones.

25 BOARD MEMBER JONES: Madam Chair.

1 BOARD MEMBER EATON: Did you say Item 15? I
2 didn't pull it. I just was -- a clarification -- Item 50.

3 BOARD MEMBER JONES: Somebody else pulled Item
4 50.

5 BOARD MEMBER EATON: Oh, someone pulled Item 50.

6 BOARD MEMBER JONES: Yeah.

7 BOARD MEMBER EATON: All right.

8 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

9 Go ahead, Mr. Jones.

10 BOARD MEMBER JONES: Madam Chair, I'll move the
11 Consent Agenda less Item 50.

12 BOARD MEMBER MEDINA: Second.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
14 motion by Mr. Jones, seconded by Mr. Medina, to approve
15 the consent calendar as read with the exception of Item
16 50.

17 BOARD MEMBER ROBERTI: What was the first number
18 on the consent calendar?

19 CHAIRPERSON MOULTON-PATTERSON: Seven.

20 Please call the roll.

21 SECRETARY VILLA: Eaton?

22 BOARD MEMBER EATON: Aye.

23 SECRETARY VILLA: Jones?

24 BOARD MEMBER JONES: Aye.

25 SECRETARY VILLA: Medina?

1 BOARD MEMBER MEDINA: Aye.

2 SECRETARY VILLA: Paparian?

3 BOARD MEMBER PAPARIAN: Aye.

4 SECRETARY VILLA: Roberti?

5 BOARD MEMBER ROBERTI: Aye.

6 SECRETARY VILLA: Moulton-Patterson?

7 CHAIRPERSON MOULTON-PATTERSON: Aye.

8 That takes us to the Continued Business Agenda

9 Items Number 1, Consideration Of Approval Of Contractor
10 For Loan Servicing For The Recycling Market Development
11 Revolving Loan Program.

12 Ms. Wohl.

13 BOARD MEMBER ROBERTI: Madam Chair.

14 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

15 BOARD MEMBER ROBERTI: On this item I may have a
16 conflict of interest with the proposed contractor,
17 pursuant to the relevant government codes. So to be on
18 the safe side, I'm going to recuse myself.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you,
20 Senator Roberti.

21 CHAIRPERSON MOULTON-PATTERSON: Ms. Wohl.

22 DEPUTY DIRECTOR WOHL: Good morning, Madam Chair,
23 Board Members.

24 Patty Wohl from the Waste Prevention and Market
25 Development Division.

1 This item was taken up at the Committee meeting
2 on April 8th, and it got a 3-0 vote. And as Senator
3 Roberti commented, he recused himself from that vote.

4 We're recommending that the Board approve J.P.
5 Morgan/Chase Bank as a new contractor to service the RMDZ
6 loan portfolio. The contract will be in the amount
7 \$183,740 for a two-year term beginning May 16th, 2002.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 Do we have a motion for that or is there any
10 discussion?

11 BOARD MEMBER JONES: Madam Chair?

12 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

13 BOARD MEMBER JONES: I'll move adoption of
14 Resolution 2002-124 revised, with consideration of
15 approval of a contractor for the loan servicing for the
16 RMDZ Loan Program for J. P. Morgan/Chase for \$183,740.

17 BOARD MEMBER MEDINA: Second.

18 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
19 motion by Mr. Jones, seconded by Mr. Medina, to approve
20 Resolution 2002-124 revised.

21 Please call the roll.

22 SECRETARY VILLA: Easton?

23 BOARD MEMBER EATON: Aye.

24 SECRETARY VILLA: Jones?

25 BOARD MEMBER JONES: Aye.

1 SECRETARY VILLA: Medina?

2 BOARD MEMBER MEDINA: Aye.

3 SECRETARY VILLA: Paparian?

4 BOARD MEMBER PAPARIAN: Aye.

5 SECRETARY VILLA: Roberti?

6 Moulton-Patterson?

7 CHAIRPERSON MOULTON-PATTERSON: Aye.

8 Okay. Then that moves us to new business agenda
9 items. Item Number 2, permits.

10 Ms. Nauman.

11 DEPUTY DIRECTOR NAUMAN: Good morning, Madam
12 Chair and Board Members. Julie Nauman with the Permitting
13 and Enforcement Division.

14 As we begin this section, I don't know if Mr.
15 Paparian, as Chair of the P&E Committee, wants to make
16 some general comments about this section before the staff
17 proceeds.

18 BOARD MEMBER PAPARIAN: Just briefly, Madam
19 Chair.

20 We had an excellent meeting -- first meeting of
21 the Committee.

22 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian, I
23 apologize.

24 One thing I'd like to say to the audience is, I
25 will try to remember to turn it over to the Chair of each

1 committee before that section if they have any specific
2 comments. And I apologize, Mr. Paparian, for not doing
3 that. And I'll turn it over to you at this time.

4 BOARD MEMBER PAPARIAN: Thank you.

5 At our first meeting, Mr. Jones, Mr. Roberti, and
6 Mr. Medina all participated as members of the Committee.
7 We had quite a few of the stakeholders present and a good
8 discussion on a number of the items.

9 We've already approved on Consent Items 7, 9, 10,
10 11, and 12.

11 There were a couple of items that -- or a couple
12 of actions that we took on the Committee. One was to --
13 well, we discussed the Item 13, which was related to
14 proposed regulations for C&D debris and inert debris
15 disposal. And we okayed going out for a 45-day period for
16 comments on those regulations.

17 And then several of the items -- and I think
18 we'll get into them pretty quickly. Several of the items
19 were discussion items, but we thought discussion worthy of
20 consideration by the entire Board. Those include the
21 discussions of bioreactors and enforcement orders issued
22 by LEAs and the inventory of solid waste facilities
23 violating state minimum standards.

24 So I think I'll just -- I want to express my
25 appreciation also to Julie and her staff for really good

1 work in putting the agenda together for us, and it really
2 helped facilitate a very productive meeting. And I know
3 that, for folks in the audience, at future meetings Julie
4 and her staff are making an extra effort to get material
5 out well in advance of the meeting. And I think that may
6 be taking place for some of the other committees as well.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 DEPUTY DIRECTOR NAUMAN: So that takes us back to
9 Item Number 2. Scott Walker will present this. This is
10 discussion and presentation of the bioreactor landfills in
11 the Yolo County Central Landfill Project.

12 Scott.

13 MR. WALKER: Scott Walker, Permitting and
14 Enforcement Division.

15 I'll keep this very brief. But this item will
16 present an update of the status of bioreactor landfills
17 regulatory flexibility that's being pursued, in addition
18 to the Yolo County Full Scale Demonstration Project which
19 the Board is funding in part.

20 Bioreactor landfills are municipal solid waste
21 landfills operated to transform and stabilize the wastes.
22 Liquids and sludges are added to enhance the biological
23 decomposition process.

24 By contrast, a conventional dry-tomb landfill
25 keeps the waste as dry as possible, thereby suspending the

1 decomposition process indefinitely.

2 --o0o--

3 MR. WALKER: Bioreactor landfills may represent a
4 significant advancement in improving technologies for
5 environmental performance of landfills for disposal
6 basically for residual wastes that cannot be recycled or
7 composted or cannot be through conversion technologies
8 converted into high-value energy or other products.

9 Basically, we've been working a lot with the
10 conversion technologies staff here. And bioreactor
11 landfills in the solid waste hierarchy or looking at new
12 solid waste hierarchies are basically going to be above
13 waste-to-energy combustion and dry-tomb landfills and
14 below conversion technologies.

15 The benefits that we may be able to realize with
16 these technologies center around topics in the slide which
17 primarily, because of the rapid stabilization of waste,
18 this will -- is believed to be able to reduce the
19 long-term risk posed by wastes that are landfilled.

20 The second point is: Because of that rapid
21 stabilization, you get a significant rapid compaction and
22 settlement which can be recovered in increased landfill
23 capacity.

24 The next is improved methane energy recovery as a
25 renewable energy resource. Research shows that perhaps up

1 to five or even greater times that of a conventional
2 dry-tomb landfill is the energy production of landfill gas
3 to energy.

4 It also represented a potential beneficial use
5 for various liquid waste and sludges that would otherwise
6 be in waste-water treatment plants and providing making an
7 impact there. But you could use those wastes in order to
8 optimize this process which takes a tremendous amount of
9 liquid. It's like a sponge basically.

10 The next is essentially -- there is research to
11 show that there is reduced air emissions, and it includes
12 both the air toxics, such as the non-methane organics, the
13 hazardous air pollutants, but also the methane improving
14 the collection efficiency with regard to methane; and
15 methane's a prominent greenhouse gas. So there's some
16 benefit there.

17 And then, finally, there's the possibility for
18 improved options for reclaiming and mining-out landfills.
19 The stabilized waste, you can screen out the humus within
20 that, use it as cover for a new bioreactor landfill, et
21 cetera. There's a lot of options here that may increase
22 the sustainability of a regular landfill.

23 But bioreactor landfills are not without some
24 drawbacks. And basically because you're adding liquids,
25 it takes a lot more expense and level of design

1 construction and operation that you need for these types
2 of -- this type of an operation.

3 There is an increased short-term risk, because
4 you're adding liquids, or odors, situations like that
5 where that could be a problem that requires a lot of
6 attention.

7 --o0o--

8 MR. WALKER: Yolo County project -- California
9 has been a leader in bioreactor landfills, you know,
10 primarily because of the Yolo County effort in the Yolo
11 County landfill. And they have since 1994 conducted a
12 pilot project, real small scale test cells. And since
13 January of 2000 when the Board approved \$400,000 to
14 support a full-scale bioreactor landfill demonstration
15 project, they went into that full-scale project with using
16 that funding in part to really be able to show what this
17 works for a regular-scale landfill, with the intent of the
18 Board's assistance to provide this information to other
19 landfill operators where this type of a system may be
20 appropriate.

21 --o0o--

22 MR. WALKER: The project to date has been very
23 successful. And this just shows you a plan view of the
24 various components. But the anaerobic cell, about 3.5
25 acres of it have been completed. It's about 50-feet deep.

1 The aerobic cell, they're working on it, basically filled,
2 and it's ready to be -- liquids to be added. Liquids are
3 currently being added to the anaerobic cell, and
4 ultimately we anticipate the expansion of the landfill
5 gas-to-energy plant from about 2.5 megawatts to hopefully
6 up to 12 megawatts, which 12 megawatts would supply
7 electricity for about 12,000 homes.

8 The cells are constructed and instrumented
9 throughout the waste fill. And I'm just going to show you
10 a couple of quick slides which just sort of illustrate
11 kind of how that looks.

12 --o0o--

13 MR. WALKER: And this is during the construction
14 phase of the lining system. Very complex or very --
15 really a highly engineered lining design. And one thing
16 to point out here is that tires -- shredded tires have
17 been very beneficial to this project, because you need --
18 for these liquids you need a lot of drainage media. And,
19 you know, without shredded tires, you'd have to mine a lot
20 of this material. And this project to date has used about
21 1.5 million tires -- shredded tires have been recycled to
22 provide the construction materials for this project.

23 --o0o--

24 MR. WALKER: This just shows a little bit of the
25 instrumentation. This is on top of the base liner. But

1 on several levels of the fill they have extensive
2 instruments which are hooked up to what's called a SCATA
3 System, which is a computer monitor that has RealTime
4 monitoring of all the data from within the waste as it's
5 decomposing. It has alarm systems should there be a
6 problem. And it's a very high-tech project.

7 --o0o--

8 MR. WALKER: Now, this shows you what the first
9 anaerobic cell looks like right now. It's filled up to
10 the top. It's got geomembrane on top, a lot of piping and
11 instrumentation. And here's another application, the
12 tires which help to keep that geomembrane on, and have
13 been very, very useful.

14 --o0o--

15 MR. WALKER: This is the final slide just showing
16 you the piping that's done, the instrumentation and piping
17 that the anaerobic cell has in place. And it's currently
18 being monitored.

19 When this project is complete, which the final
20 report is due -- it'll be continued to monitor, but the
21 final report will be submitted here -- I think we should
22 be getting it this week, and it will be available on-line
23 for other operators to use and hopefully to facilitate new
24 projects.

25 --o0o--

1 MR. WALKER: A couple comments about regulatory
2 flexibility for bioreactor landfills. There's a number of
3 projects in the planning stages in California, but really
4 there is a significant regulatory constraint. Current
5 Subtitle D rules under U.S. EPA jurisdiction do not allow
6 adding liquids from outside the unit without having a
7 special waiver, which we were able to get with the U.S. --
8 or the Yolo County Project. But it's really impractical
9 to apply to other landfills; a very, very burdensome
10 process. It's called Project Excel, and -- and actually
11 if you look at Subtitle D, it has an actual specific
12 exemption from the Yolo Project. But to get that, it's
13 just impractical for other landfill projects.

14 So most of the persons and professionals involved
15 are anticipating what's called a research development and
16 demonstration approval option, which the U.S. EPA is
17 looking at giving the approved State Subtitle D programs.
18 And what this would do is allow the State to approve
19 demonstration of innovative and beneficial technologies
20 where they need a waiver of one or more standards. And
21 that would be an example with bioreactor landfills would
22 be adding the bulk liquids.

23 --o0o--

24 MR. WALKER: And our status on that -- we've been
25 working a lot with the State Water Board staff and with

1 U.S. EPA staff, and it's -- the RD&D rule is anticipated
2 to come out here mid-2002. They've already had some
3 delays on it. It'll still take probably about a year for
4 it to become effective. But the State -- but the Waste
5 Board and State Board staff have a plan in place whereby,
6 essentially, we would update proposed consideration of
7 updating Subtitle D -- California Subtitle D program
8 through a rulemaking upon EPA's adoption of this RD&D
9 rule.

10 And where we would have the rule in the Waste
11 Board's regulations, we'd revise that. And we don't
12 anticipate joint rulemaking with State Board staff, but we
13 basically have the approvals done on a case-by-case basis
14 through the revision of the Solid Waste Facility Permit
15 and the waste discharge requirements. And so we've been
16 working -- collaborating with the State Board staff, and
17 we feel we have a pretty good plan in place when this
18 flexibility is available to us to propose to the Board for
19 consideration and approval.

20 The other point to bring up is that the State --
21 we have the joint Subtitle D program with the State Water
22 Board. And we have developed a way to update our program
23 that's very straightforward and not very burdensome,
24 involving our U.S. EPA Region 9. What we do is --
25 essentially, would allow to self-certify changes in our

1 program that -- we self-certify that we're consistent with
2 Subtitle D. And so we're working with the State Board
3 staff and also U.S. EPA staff.

4 So, in conclusion, I'd just like to state that
5 the Board and State Board staff will continue to
6 collaborate to ensure California's Subtitle D program will
7 allow available flexibility for approval of the
8 environmentally sound bioreactor landfill projects.

9 And with that, I'll leave it to any questions you
10 may have.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
12 Walker.

13 Any questions?

14 Mr. Eaton.

15 BOARD MEMBER EATON: I've just got a curiosity
16 question for Mr. Walker.

17 How many tires were used?

18 MR. WALKER: 1.5 million tires were used in this
19 12-acre cell, not just on a --

20 BOARD MEMBER EATON: Did we buy those tires?

21 MR. WALKER: We didn't buy those tires. Yolo
22 County purchased those tires.

23 BOARD MEMBER EATON: See, I think we have a
24 situation where -- we provided money for this program,
25 right?

1 MR. WALKER: Right.

2 BOARD MEMBER EATON: Wouldn't it have been better
3 through our cleanup program of our tires to use some of
4 the tires that were going to a landfill, as you get to
5 these later items, to then have those items used, since
6 we're already paying to get them cleaned up, to take them
7 over to Yolo?

8 And it seemed like a little situation here
9 where -- you know, this is, you know, a classic, you know,
10 situation where, as we have a project, we're using a great
11 amount of tires and yet we're paying to have tires cleaned
12 up in another area of the State. It would seem to me that
13 we could use those tires without paying for them through
14 our grant process, since we're already paying in the
15 cleanup.

16 MR. WALKER: I can tell you that, to answer your
17 question -- I can't --

18 BOARD MEMBER EATON: Well, it's not a question.
19 It's a comment --

20 MR. WALKER: -- your comment. I can't tell for
21 sure.

22 BOARD MEMBER EATON: -- firm, obvious comment.

23 MR. WALKER: I believe some tires that were used
24 at Yolo did probably come from cleanup jobs. I can't say
25 for sure. But in the Permit and Enforcement Division, we

1 coordinate with the Tire Remediation Program. We try to
2 match up projects the Tire Remediation Program has. And
3 it's just a matter of the timing. It's tricky, because
4 when they have a cleanup job, we have to be ready. This
5 is not just the bioreactor landfill project. This could
6 be any landfill construction project, that we have to
7 match the cleanup project to the actual construction
8 phase. And so that's the difficulty. But we do
9 coordinate with the tire cleanup program on that.

10 BOARD MEMBER EATON: And I understand that. But
11 that's why we have staff meetings and executive staff
12 meetings, so that you can discuss the projects that are
13 taking place. And someone can pop up with the question
14 that says, "Well, if we're going to be moving forward,
15 does anyone have any extra tires?" And then, therefore,
16 someone from another department can reach over. It just
17 seems to me that we shouldn't be paying for tires when we
18 have an overabundance of tires already. And timing is an
19 issue and I understand that, but it's not always the
20 issue. It's just one of the issues.

21 Thank you.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
23 Eaton.

24 Okay. Thank you, Mr. Walker. And we'll move
25 on -- I'm sorry. Mr. Paparian had a question.

1 BOARD MEMBER PAPARIAN: Actually, a comment.

2 In looking at this technology and some other
3 technologies that are out there, I think we may face some
4 interesting situations in the future, in that there are
5 three and probably four technologies that are likely to
6 compete for similar waste streams. We've got bioreactors,
7 conversion technology, compost, and possibly incinerators,
8 all competing for the same sort of waste stream. And
9 certainly for conversion tech, bioreactors and compost, a
10 lot of the material that's ideal in one is also ideal in
11 another.

12 So as we look to the future, we may need to make
13 some decisions at the Board level about which technologies
14 we want to emphasize more than other technologies. I'm
15 not offering an opinion on which they would emphasize over
16 another, but I could envision a situation in the future
17 where we do have quite a bit of competition for similar
18 waste streams and for some priorities maybe to be set.

19 Also, I -- just FYI, I was having a conversation
20 with Scott this morning. Apparently, some European
21 countries are taking steps which -- not necessarily aimed
22 at bioreactor landfills, but aimed at removing organics
23 from landfills that is moving towards some sort of
24 restriction or possibly ban on organics going into
25 landfills in some of the countries in Europe. It might be

1 a development worth checking out and hearing something
2 back on in the future.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
4 Paparian. I think you're right; I think we are going to
5 have to address that and with different competition.

6 Okay. Number 3.

7 DEPUTY DIRECTOR NAUMAN: Okay. Item Number 3 is
8 "Report to The Board On Enforcement Orders Issued By Local
9 Enforcement Agencies," since November of 2001. This is
10 our regular periodic update to the Board. And Georgianne
11 Turner will make the presentation.

12 MS. TURNER: Good morning. As you know, the
13 Board requested that we report to the Board on all
14 enforcement orders that are issued by the LEAs. And we
15 did so in November, and that was your first informational
16 item.

17 And today, I'd like to report on eight of the
18 orders that were discussed in November which had not yet
19 obtained compliance, and 12 new orders which we have
20 received between November 13th and March 15th.

21 And although this item does not cover those
22 orders which were issued since March 15th, I wanted to
23 mention that we have received two new orders since then.
24 And we will report to them on the next scheduled
25 informational item.

1 The two orders were: Tehama County issued a
2 Notice and Order to Red Bluff Landfill, which is listed on
3 the inventory, and you'll hear that a little later. The
4 order is for the site to correct landfill gas and to
5 revise their solid waste facility's permit.

6 And Amador County issued Amador County Landfill a
7 violation -- or an order for violating their RDSI, their
8 report of disposal site information, and have requested
9 them to revise their solid waste facilities permit.

10 Out of the eight orders that were outstanding
11 from the report given in November, seven of those have
12 come into compliance. One of them the compliance date is
13 still outstanding. I reported at the Committee meeting
14 that Bisso Ranch in Sonoma County was in violation of
15 their compliance order and had not met a deadline. I have
16 since found out that the LEA extended that deadline and
17 that the operator is in compliance with the order.

18 I also wanted to mention that the facility has
19 ceased taking waste and the site is secure. Currently,
20 the status of the site is is that the site assessment and
21 characterization plan is now being reviewed by the various
22 agencies, including our agency. And after the review,
23 then the order will progress as it's mentioned in the
24 item.

25 Additionally, the item mentions that we will --

1 expecting to receive a status report from the Monterey
2 County on Crazy Horse Landfill. We did so. On March 21st
3 the LEA wrote a letter stating that the permit was issued
4 and order has been rescinded since it was complied with.

5 The item also mentioned that we were expecting a
6 status report from Colusa County regarding Maxwell
7 Transfer Station. We have received a letter from the LEA,
8 and they have reported that the order has been complied
9 with.

10 Since November I mentioned that we had received
11 12 new orders. One was rescinded and then reissued. And
12 so that would actually count as two orders in the 12.

13 Four have been complied with. Six are pending
14 compliance, meaning that the compliance date is sometime
15 in the future. And one has not met one of the compliance
16 dates; and that is Capital Waste. And there was some
17 discussion of this in the Committee meetings. So they
18 are -- there are several different compliance dates in
19 that order. It's kind of elaborate. And I just wanted to
20 mention that they had not met their first compliance date.
21 And the LEA is currently preparing a notice to them for a
22 15-day notice to comply.

23 And that was Capital Recycling Center in Placer
24 County.

25 At this time, I'd be happy to discuss any of the

1 specific orders in more detail, if you'd wish. But that
2 concludes my presentation.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you.
4 Mr. Jones.

5 BOARD MEMBER JONES: Thanks, Madam Chair.

6 Just back on Placer County's Capital Recycling.
7 I brought it up at the briefing. This is the old Berry
8 Street Mall with -- which this Board paid to put out a
9 fire and to close that thing. And one of the orders is
10 that they dig up all buried commingled waste. So when I
11 read this thing, it kind of looks like these guys are
12 operating -- they're supposed to be a recycling center.
13 But with the different pieces, they're obviously operating
14 a transfer station and maybe a landfill.

15 But it just strikes me as being incredible that
16 we would spend -- I think we spent over a million dollars
17 in the fire activity and the closure activity to close
18 this site because of health and safety. And then a
19 subsequent operator is doing something that might not be
20 right.

21 I guess my question is -- they've got 15 days.
22 What's the next step if they're not in compliance in 15
23 days? Will the LEA shut them down?

24 MS. TURNER: Well, the next step is them working
25 through the court system.

1 BOARD MEMBER JONES: Under the appeal process?

2 MS. TURNER: Right.

3 BOARD MEMBER JONES: But the appeal process
4 under -- AB 59, right?

5 MS. TURNER: Well, I think from the County's
6 perspective they would be issued -- they could take
7 several different approaches. I mean the -- they could
8 appeal. The operator could appeal. They have tried to do
9 that once. But I would imagine they would be taking
10 enforcement action through their D.A.'s office.

11 BOARD MEMBER JONES: Because if -- I guess my
12 question is, if it's operating as a recycling facility,
13 but it's actually not operating -- it's been sited here as
14 operating as a full-blown solid waste transfer station and
15 probably a full-blown landfill, which they don't have
16 permits to do either one, they have a right to go through
17 the appeal process, and I don't want to deny anybody that.

18 But the LEA must have a right to carry on his
19 actions through the D.A. or whatever. Because clearly,
20 this one I think above all else, bothers me because I
21 think we had spent -- and I don't see anybody that --
22 well, didn't we spend about a million two on Berry Street
23 Mall trying to shut it down, Scott? I mean, I know we
24 worked on this thing for a long time.

25 MR. WALKER: That was even before my time. That

1 was before 2136, but it was substantial. It was over a
2 million dollars.

3 BOARD MEMBER JONES: Yeah, I mean it was huge
4 money that the State paid to close this. And now
5 somebody's operating it, just absolutely blows me away.
6 So I would just hope that, you know, Dave Altman and those
7 folks can be successful and -- because I know as a
8 regulated, pretty much law abiding operator in Placer
9 County, I used to have to toe the line pretty good, you
10 know. And it was guys like this that somehow didn't
11 always play by the same rules. So it's bothersome that we
12 would spend that much money and they're still messing
13 around.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
15 Jones, for bringing that up.

16 Mr. Paparian.

17 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.
18 I just wanted to express my appreciation to the staff for
19 putting this information together. I think it was my
20 request back in the fall that we have these come forward
21 to us for review and discussion.

22 I know my staff is working with Sharon Anderson
23 and her team on LEA Enforcement issues. And, you know,
24 one of the things this shows is the amount of work and the
25 difficulty of the work that our LEAs are facing in a lot

1 of situations. And I certainly find that useful.

2 My inclination as Chair of the P&E Committee will
3 be to have these come forward to the Board, the
4 enforcement item as well as the state minimum standard
5 item, for review and discussion by the whole Board; unless
6 there's a feeling by -- I guess, Madam Chair and Mr.
7 Eaton, maybe you'd rather not see these. My inclination
8 would be to have them come before the Board. I think
9 they're important items for review and discussion by the
10 whole Board.

11 CHAIRPERSON MOULTON-PATTERSON: I think we'd all
12 think that's important, and we'd like to see them. Thank
13 you. Thank you very much.

14 BOARD MEMBER PAPARIAN: Thanks.

15 CHAIRPERSON MOULTON-PATTERSON: Okay. That takes
16 us to Item 4.

17 DEPUTY DIRECTOR NAUMAN: Item 4 is the
18 semi-annual update and publication of the inventory of
19 solid waste facilities violating State minimum standards.

20 It looks like Mark De Bie is going to be
21 presenting this morning.

22 MR. De BIE: Good morning, Madam Chair and Board
23 Members. Mark De Bie with the Permitting and Inspection
24 Branch to deliver this report regarding the semi-annual
25 publication of the inventory. This is not an action item.

1 This is a part of the process to officially publish this
2 list twice a year.

3 Happy to report that we've seen a reduction
4 overall in number of facilities on the inventory. From
5 the last time it was published there were ten. We're down
6 to seven.

7 I need to indicate that six have come off, but
8 three new ones were added. But, again, a net decrease
9 down to seven.

10 Nearly all of the facilities on the inventory do
11 have some sort of compliance schedule or are included in a
12 notice and order. There are some that are still pending.
13 One was just newly notified that they were to be included,
14 and so the LEA is working with the operator to develop the
15 compliance schedule relative to that site. That's the
16 coastal site.

17 Also, the LEA continues working with several
18 agencies relative to the situation at Azusa that has
19 placed them on the inventory. And that's a multi media
20 sort of situation that's taking some time to work through.
21 But we expect a schedule to be forthcoming.

22 And then with the City of Clovis site there was a
23 compliance schedule incorporated into a notice and order.
24 That order has -- the final compliance date has been
25 passed, and the LEA is currently in the process of issuing

1 a new order relative to that site. And we've had some
2 correspondence or some communication with the LEA relative
3 to the status, and we believe that compliance schedule
4 will be forthcoming. All of the other ones are covered in
5 some sort -- in a compliance schedule. Again, the others
6 are in process.

7 So that concludes staff presentation. If you
8 have questions, I'd be glad to answer them.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr. De
10 Bie.

11 Any questions or comments?

12 Seeing none, thank you.

13 We'll go to Number 5.

14 DEPUTY DIRECTOR NAUMAN: Thank you, Madam Chair.

15 Item 5 and Item 6 are both consideration of
16 contractors for services related to P&E programs. I just
17 wanted to make an opening comment, and that is that the
18 Committee -- the P&E Committee did review both of these
19 items, and we had a timing situation where we were both in
20 the IFW process and the RFQ process. And while staff at
21 the program level had completed their work, we still had
22 not finalized the selection of the contractor. So the
23 Committee was not able to take action to recommend consent
24 to you because of that situation.

25 However, the Committee did note on the record

1 that they had reviewed the process that the staff had
2 engaged in and were supportive of staff moving forward
3 with the selection of the contractor.

4 So what you have before you today in Item 5 and
5 in Item 6 are revised resolutions which include the name
6 of the selected contractor and the dollar amount.

7 And also there have been requests from board
8 members with this item and with others for additional
9 information about the contractors, the principals of those
10 companies and the individuals involved in the actual
11 contract work for the Board. Scott will be making the
12 presentation on both of these and has the proposal with
13 him and will be able to indicate to you the names of those
14 individuals and any other information about them that you
15 would like to have.

16 So with that, let me introduce Item number 5,
17 which is consideration of the contract for the
18 environmental laboratory and sampling services contract
19 for Fiscal Year 2001/2 mandatory services contract.

20 BOARD MEMBER EATON: Madam Chair, before we
21 begin, I raised the issue just a few minutes ago. I
22 thought we had board policy that anytime in these
23 contracts we were going to get the CVs of these firms,
24 especially firms that we'd never previously dealt with
25 before. And I made a request last week, and I haven't

1 gotten the information.

2 And I don't -- it's new and what have you, but I
3 thought it was a standard policy. And I can't ask a
4 question or I can't figure out if I don't even -- I mean
5 giving me the name and having Mr. Walker have me throw
6 darts, you know, takes up time and what have you. I'd
7 rather have the CV and then -- maybe there are no
8 questions. But, you know, I mean I need to have the CVs.
9 I want to find out who the contractors are. Some of us on
10 this Board do have information about some people who work
11 in the business outside of the realm of information you
12 may have that -- with regard to their work record, with
13 regard to their competency, with regard to their fiscal
14 and financial ability to complete a contract that we could
15 come to outside of the regular course of business. And
16 that's one of the reasons why.

17 So I mean I would like to have, you know, the CVs
18 especially, you know, prior to -- and irrespective of the
19 Committee. I don't sit on this committee, so I'm not even
20 going to see what you see. And I think we need to have
21 those CVs, and I've asked for them several times, and I,
22 for some reason, don't get them.

23 So, Mr. Leary, can we at least now implement the
24 policy?

25 EXECUTIVE DIRECTOR LEARY: Yes, sir, Mr. Eaton.

1 I believe we've made some effort to get you -- and correct
2 me if I'm wrong -- but Agenda Items 17, 18 and 19 we have
3 provided the contractors. We may have missed on a couple
4 of these agenda items. If you do not or any of the other
5 Board members do not have the contractor information for
6 some of these later fiscal items, let me right now, and
7 we'll try to provide that to you over the lunch break.
8 But I know there was some effort to get a couple of the
9 contractor names and background materials to the Board
10 members in advance of today's discussion.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
12 Leary. And I think Mr. Eaton's point is well taken. We
13 need to see that.

14 Okay. With that, Mr. Walker.

15 MR. WALKER: Thank you. Scott Walker, Permitting
16 and Enforcement Division.

17 The scope of work for the Environmental
18 Laboratory and Sampling Services Contract was approved by
19 the Board in December. This contract provides water,
20 soil, waste, air analytical testing services to assist the
21 Board and LEAs in enforcement investigation of sites and
22 facilities.

23 Equivalent contracts have been utilized by the
24 Board since 1991. The current contract is completed and
25 was fully utilized.

1 The approved Invitation-For-Bid/contract-award
2 process was implemented. The selected contractor is
3 Excelchem, which is a small business. The principal is
4 John Summers. We did name the selected contractor at the
5 Board briefing.

6 In conclusion, staff recommend the Board adopt
7 Revised Resolution 2002-163, awarding the Environmental
8 Laboratory and Sampling Services Contract to Excelchem in
9 the amount of \$120,000.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 Mr. Jones.

12 BOARD MEMBER JONES: Thanks, Madam Chair. Just a
13 question for the resolution.

14 We've already approved the contract, I know, back
15 in October or something for this service. Do we have to
16 identify "not to exceed" on this contract? It's not in
17 the resolution, that I saw.

18 MR. WALKER: It essentially is reflected in the
19 agenda item and in the resolution. The funding level has
20 already been established by the Board.

21 BOARD MEMBER JONES: We just try to keep the
22 dollars always tied, and this one didn't have it.

23 MR. WALKER: Yes.

24 BOARD MEMBER JONES: Because I think it was
25 \$70,000, right?

1 MR. WALKER: The total funding allocated by the
2 Board is \$120,000.

3 BOARD MEMBER JONES: For this contract?

4 MR. WALKER: For this contract, correct.

5 BOARD MEMBER JONES: Okay. Madam Chair?

6 CHAIRPERSON MOULTON-PATTERSON: Yes, Mr. Jones.

7 BOARD MEMBER JONES: I'll move adoption of
8 Resolution 2002-163 revised, consideration of a contractor
9 for the Environmental Laboratory and Sampling Services
10 Contract, IWMA mandatory service contract -- I mean for
11 Excelchem.

12 DEPUTY DIRECTOR NAUMAN: And I think you should
13 indicate the dollar amount.

14 BOARD MEMBER JONES: Not to exceed \$120,000.

15 BOARD MEMBER MEDINA: Second.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
17 Jones; thank you, Mr. Medina.

18 We have a motion by Mr. Jones, seconded by Mr.
19 Medina, to approve Resolution 2002-163 revised.

20 Please call the roll.

21 SECRETARY VILLA: Eaton?

22 BOARD MEMBER EATON: Aye.

23 SECRETARY VILLA: Jones?

24 BOARD MEMBER JONES: Aye.

25 SECRETARY VILLA: Medina?

1 BOARD MEMBER MEDINA: Aye.

2 SECRETARY VILLA: Paparian?

3 BOARD MEMBER PAPARIAN: Aye.

4 SECRETARY VILLA: Roberti?

5 BOARD MEMBER ROBERTI: Aye.

6 SECRETARY VILLA: Moulton-Patterson?

7 CHAIRPERSON MOULTON-PATTERSON: Aye.

8 Number 6.

9 DEPUTY DIRECTOR NAUMAN: Item Number 6 is
10 consideration of the contractor for the Environmental
11 Services Contract for the Closed, Illegal and Abandoned
12 Site Investigation Program, Fiscal Year 2001/2, BCP Number
13 2. And I also notice that this -- you have a revised
14 resolution, and in it, too, fails to indicate the dollar
15 amount, so that will need to be amended in.

16 And Scott Walker will present the details.

17 MR. WALKER: Thank you. Scott Walker, Permitting
18 and Enforcement Division.

19 The scope of work for this contract was approved
20 by the Board in November. This contract will provide
21 specialized services to assist the Board and LEAs in site
22 field investigations for enforcement of closed, illegal
23 and abandoned sites. Such services include drilling and
24 excavation of investigation borings and trenches and
25 installation of gas monitoring probes and devices.

1 The approved
2 request-for-qualifications/contractor-award process was
3 implemented. The selected contractor is Nino & Moore.
4 The principals include Beth Abramson-Beck and Steven Beck.

5 In conclusion, staff recommend the adoption of
6 Resolution 2002-164, awarding the Environmental Services
7 Contract for the closed, illegal and abandoned site
8 investigation program to Nino & Moore in the amount of not
9 to exceed \$200,000.

10 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

11 MR. WALKER: So a similar case with this
12 resolution would be for the other one, only this funding
13 was at \$200,000, the Board approved funding.

14 BOARD MEMBER JONES: Okay. I know Mr. Eaton --

15 CHAIRPERSON MOULTON-PATTERSON: Did you have a
16 question, Mr. Eaton?

17 MR. EATON: Yes.

18 CHAIRPERSON MOULTON-PATTERSON: Go right ahead.

19 BOARD MEMBER EATON: Where are they based?

20 MR. WALKER: They're based in southern
21 California, but they have six offices throughout
22 California.

23 BOARD MEMBER EATON: And what is their previous
24 background, since this is a first-time contractor, with
25 regard to these types of materials?

1 MR. WALKER: They have extensive experience in a
2 wide variety of the types of sites that we would
3 encounter. You know, they've been in burn dumps --
4 they've done some work with burn dumps. They've been on
5 military bases, so they've seen various types of waste
6 that you can encounter, and hazardous materials, so
7 they're very well qualified for this type of a service.

8 BOARD MEMBER EATON: Who brought them into the
9 burn dumps, since we have a burn-dump program? Would that
10 have been a local jurisdiction?

11 MR. WALKER: Well, my understanding, one of the
12 main areas they got into burn dumps was through the
13 military DOD program, where they were involved in certain
14 burn-dump cases.

15 Other cases -- I'm not aware that they've been
16 involved in any specific cases that we've been involved in
17 on the burn-dump site, other than their record has a lot
18 of experience in the type of sites and burn dumps that
19 would be encountered. DOD -- we don't normally get into a
20 lot of the burn dumps and DOD sites. It's a separate
21 program; we're involved to a certain extent.

22 BOARD MEMBER EATON: So they will be just in
23 terms of an analytical firm for the materials and not
24 actually going out and doing investigations in the
25 sense of trying to identify sites?

1 MR. WALKER: Correct, yeah.

2 BOARD MEMBER EATON: They will only go after you
3 have identified a potential site.

4 MR. WALKER: Correct. And we want a contractor
5 that's had -- you know, they know what these things look
6 like in the field, so their drilling crews can handle it;
7 they're not going to cause a safety problem. And they
8 have the technology that is up to date in these types of
9 waste.

10 BOARD MEMBER EATON: Thank you.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
12 Eaton.

13 Mr. Jones.

14 BOARD MEMBER JONES: Thanks, Madam Chair.

15 Yeah, you know, I got all the information on
16 those later issues, 17 -- whatever it was -- 16, 17 and
17 18, we got the background, and it is helpful to have it,
18 because I've never heard -- I mean, I think I've heard
19 this name once, but I don't know who the principals are.
20 And it's just easy to look at it and really see, you know,
21 what their background is.

22 I want to move adoption of Resolution 2002-164
23 revised, consideration of the contractor for the
24 Environmental Services Contract for the Closed, Illegal
25 and Abandoned Site Investigation Program, Fiscal Year

1 2002/2001, BCP Number 2, to Nino & Moore, not to exceed
2 \$200,000.

3 BOARD MEMBER MEDINA: Second.

4 CHAIRPERSON MOULTON-PATTERSON: We have a motion
5 by Mr. Jones, seconded by Mr. Medina, to approve
6 Resolution 2002-164, revised.

7 Please call the roll.

8 SECRETARY VILLA: Eaton?

9 BOARD MEMBER EATON: Aye.

10 SECRETARY VILLA: Jones?

11 BOARD MEMBER JONES: Aye.

12 SECRETARY VILLA: Medina?

13 BOARD MEMBER MEDINA: Aye.

14 SECRETARY VILLA: Paparian?

15 BOARD MEMBER PAPARIAN: Aye.

16 SECRETARY VILLA: Roberti?

17 BOARD MEMBER ROBERTI: Aye.

18 SECRETARY VILLA: Moulton-Patterson?

19 CHAIRPERSON MOULTON-PATTERSON: Aye.

20 Motion approved.

21 Okay. That concludes the permits, LEA and
22 facility compliance part of our agenda.

23 At this point, I think we will take our lunch
24 break and give the trash-cutter award and also the State
25 agency awards.

1 I neglected to mention at the beginning, we are
2 going to have a closed session at the end of today's
3 session on personnel matters. And we'll also have a
4 closed session tomorrow.

5 How long, Board members -- our presentation will
6 take a little while. How long do you want for lunch?
7 What time do we need to be back here?

8 BOARD MEMBER ROBERTI: How long would the
9 afternoon agenda be?

10 EXECUTIVE DIRECTOR LEARY: I think we have a
11 considerable amount of material to cover yet. The tire
12 subsidy study will take a significant time. I think we
13 have a pretty full afternoon ahead for us.

14 CHAIRPERSON MOULTON-PATTERSON: So shall we say
15 1:30 we'll be back? Okay.

16 Yes.

17 ASSISTANT ATTORNEY GENERAL WALZ: Did you want to
18 invite the public to comment on this section we just
19 finished a few minutes ago?

20 EXECUTIVE DIRECTOR LEARY: No, that's only in
21 briefings --

22 CHAIRPERSON MOULTON-PATTERSON: That's just in
23 briefings. Yeah, normally at the very end of each day we
24 will have a time for public comments. Thank you though.

25 Okay. So if those that are interested will join

1 us out in the foyer, we'll give those awards.

2 (Thereupon a lunch recess was taken.)

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AFTERNOON SESSION

CHAIRPERSON MOULTON-PATTERSON: Back to order
please.

And we'll go to ex partes.

Mr. Eaton.

BOARD MEMBER EATON: I'm up to date, thank you.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

Mr. Jones.

BOARD MEMBER JONES: Mark Aprea.

CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

BOARD MEMBER MEDINA: None to report.

CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

BOARD MEMBER PAPARIAN: None.

CHAIRPERSON MOULTON-PATTERSON: And I have none.

Okay. That brings us to the executive and
administrative and policy part of our agenda.

And I'd like to briefly turn it over to Board
Member Medina, who is Chair of the Budget and
Administration Subcommittee.

BOARD MEMBER MEDINA: Thank you, Madam Chair.

And I'd like to report that the other two members
of this committee are Chair Linda Moulton-Patterson and
also Board Member Paparian.

At the Budget and Administration Committee we
heard Mr. Elliot Block present the conflict-of-interest

1 statement for the Board. And the statement went out for
2 public review and returned with no substantial changes.

3 The Committee voted to place Item 15 on consent
4 on the agenda. And I'd like to congratulate Mr. Block and
5 the legal staff for their work on this item.

6 We also discussed the reallocation of the
7 remaining funds of the discretionary consultant and
8 professional services for the RMDZ and IWMA accounts. We
9 reallocated all of the available \$489,665 on previous and
10 new concepts.

11 And I will leave the details of the allocation to
12 Ms. T. J. Jordan's presentation. And I do want to praise
13 her and her staff for preparing the item so efficiently
14 and professionally. I thought we went through that rather
15 well. So thank you.

16 DEPUTY DIRECTOR JORDAN: Thank you, Member
17 Medina.

18 BOARD MEMBER PAPARIAN: We also got a good start
19 on the next phase of the strategic plan from Ms. Rubia
20 Packard, Ms. Patty Wohl, and Mr. Pat Schiavo. Ms. Wohl
21 and Mr. Schiavo especially made an excellent presentation
22 on their long-range strategic goals for their respective
23 divisions.

24 And so we will schedule the strategic plan and
25 other items for the next meeting of the Budget and

1 Administration Committee. And I want to thank Ms. Packard
2 for bringing all of that together.

3 And that's all I have to report at this
4 particular time.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
6 Medina.

7 Okay. With that, we'll turn it over to Ms.
8 Jordan.

9 DEPUTY DIRECTOR JORDAN: Yes. Good afternoon,
10 Madam Chair and Members. Terry Jordan with the
11 Administration and Finance Division.

12 Susan Villa, our Manager of the Contracts Unit
13 within the Administration Division will present today's
14 Board Agenda Item Number 14, consideration of approval of
15 consulting and professional services concepts to be funded
16 from reallocated recycling market development revolving
17 loan account, or RMDZ, Fiscal Year '99-2000, and
18 Integrated Waste Management Account, IWMA, Fiscal Year
19 2001-2002.

20 CONTRACTS MANAGER VILLA: Madam Chair, Board
21 Members. I'm Susan Villa, the Manager of our Contracts
22 Unit, and I am here to present Agenda Item Number 14.

23 This item is the result of a review of the status
24 of grants and contracts to determine funds available for
25 inclusion in this reallocation item.

1 And upon the review, \$216,000 in the Integrated
2 Waste Management Account, and that's Attachment 1, was
3 determined to be available; and \$273,655 in the Recycling
4 Market Development Provision 1 account, that's Attachment
5 2 in the item, were found to be available for
6 reallocation. The total available is \$489,655.

7 In February a request went out to Board and staff
8 to solicit concepts to be included in -- for consideration
9 in this agenda item. And 18 new or revised concepts were
10 submitted for consideration; and that is Attachment 3.

11 Attachment 3 includes an executive staff
12 recommendation for the allocation plan to be used as a
13 tool, and it also includes the Committee recommendation
14 for allocations.

15 And today for the Board's consideration, they can
16 consider the Committee's recommendation and approved
17 concepts up to the funding level available, make
18 adjustments to the Committee recommendation and approve an
19 allocation plan up to the funding level available, or
20 prioritize and approve additional concepts and fund them
21 adequately with the funding available.

22 I'm prepared to go through each concept and to
23 begin the discussion and recommendation process, as we did
24 with the Committee.

25 And the item is up on the board, and we'll keep a

1 running balance as we go through this process.

2 So on Attachment Number 3, the first concept is
3 Concept Number 78: Sustainable building and adult
4 learning. And the Committee is recommending funding this
5 at \$15,000.

6 Hearing no questions, we'll go on.

7 Concept Number 80: Program evaluation of State
8 agency buy recycled campaign, the Committee is
9 recommending funding this at \$46,000.

10 Concept 81 is: Amending Department of General
11 Services' auditing protocol to include checking SABRC and
12 AB 75 compliance and pilot. And the Committee
13 recommendation is zero at this time.

14 Concept 71 is: Education assessment, Native
15 American LEA cross-training on illegal waste -- on illegal
16 waste dumping. And that's --

17 CHAIRPERSON MOULTON-PATTERSON: No, I think
18 you're mixing two items.

19 CONTRACTS MANAGER VILLA: Sorry. I ran the two
20 together. Seventy-one is education assessment. And the
21 recommendation from the Committee is \$81,000.

22 CHAIRPERSON MOULTON-PATTERSON: I just wanted to
23 point out -- I think I asked in the budget subcommittee.
24 Again, Trish, gardens -- could you just state that for the
25 record on the gardens being part of this.

1 MS. BRODDRICK: Yes. I'm Trish Broddrick from
2 the Office Integrated Education.

3 We had a contract concept earlier that came
4 before the Board I think in February, and it was \$100,000
5 for grants. The funds would have gone to the California
6 Department of Education's Nutrition Services Department
7 and would be funding grants to schools through their
8 program.

9 And since we are developing Senate Bill 373, a
10 \$1.5 million grant program for education integration, it
11 makes sense to incorporate school garden grants into that
12 grant program and provide an opportunity for educators,
13 schools, school districts, and county offices of education
14 to do gardens in concert with other integrated waste
15 management practices or even other environmental
16 practices.

17 However, Senate Bill 373 does require the Office
18 of Integrated Education to evaluate the impact of the
19 grant program and the unified education strategy, both on
20 student learning -- and that means on the standardized
21 tests that are administered by the State -- and on the
22 environment of the school campus. But there are no funds
23 allocated for that purpose. Therefore, we decided to do
24 this new contract concept and seek reallocation funds to
25 provide services for the assessment part of 373.

1 If there are any questions on that, I'd be happy
2 to answer them.

3 CHAIRPERSON MOULTON-PATTERSON: Any questions?

4 BOARD MEMBER EATON: I just have a couple of
5 questions, because I read 373 a little differently. And I
6 just wanted to know from an administrative standpoint,
7 just -- without respect to the particular programs, that I
8 don't have a problem. I spoke to Senator Torlakson when
9 the bill was first being conceptualized. But what is our
10 administrative overhead on such a program? Are these
11 direct grants out of the million that was coming out of
12 our fund? And isn't that kind of evaluation in the course
13 and scope -- some of it isn't, I understand. But what do
14 we charge?

15 DEPUTY DIRECTOR JORDAN: For administrative
16 overhead?

17 BOARD MEMBER EATON: Um-hmm.

18 DEPUTY DIRECTOR JORDAN: Currently, we're
19 actually calculating our indirect cost proposal, and we're
20 not quite finished yet. We have typically in the past
21 charged around -- I believe it's around 38 percent,
22 somewhere in there. We're looking at it being a little
23 higher now, and so I don't have an exact figure for you.

24 BOARD MEMBER EATON: And so then the Torlakson
25 bill was how much money per year? Two million?

1 DEPUTY DIRECTOR JORDAN: It was a total of 1.5.

2 It was \$900,000 for the first year.

3 BOARD MEMBER EATON: So 38 percent of that -- and

4 I'll just -- let's just say 40 percent, correct? Would it

5 be 40 percent of nine hundred thousand?

6 DEPUTY DIRECTOR JORDAN: Um-hmm.

7 BOARD MEMBER EATON: It would be \$360,000 for

8 overhead.

9 I'm just wondering why then -- and I don't have a

10 problem with what the concept is. It's a reallocation

11 item, and I'm looking to see what we can fund and not

12 fund. Why then can't some of this be done out of such a

13 large overhead.

14 That's a question.

15 MS. BRODDRICK: I think the bill does limit the

16 administrative expenses to 5 percent, which is \$75,000.

17 And it is a one-time allocation. We only get 1.5 million

18 for the course of the entire 5 years.

19 BOARD MEMBER EATON: And where is the other

20 monies going to go then?

21 DEPUTY DIRECTOR JORDAN: Directly to grants.

22 MS. BRODDRICK: They're limited -- the funds --

23 the 1.5 million outside of administrative expenses are

24 limited to schools, school districts and county offices of

25 education.

1 BOARD MEMBER EATON: And was there any
2 requirement imposed upon them --

3 MS. BRODDRICK: None.

4 BOARD MEMBER EATON: -- for reporting?

5 MS. BRODDRICK: No. The only reporting is on the
6 side of the Waste Board as we do our periodic survey of
7 school districts to determine the level of participation
8 in waste management practices.

9 BOARD MEMBER EATON: In the past we've had
10 problems with school districts getting information for
11 them on their recycling programs; not because of an
12 unwillingness, I think to, but because of a, you know,
13 administrative burden and other things.

14 Why then will this be different? And why wasn't
15 that imposed?

16 MS. BRODDRICK: Well, I'm sure it won't be a
17 whole lot different. All we need to do, though, by 2005
18 is to find some strategy to access the personnel who are
19 involved in the practices of implementation, so that we're
20 able to effectively gauge the level of participation.
21 Because what we're required to do is to report to the
22 Governor and the Legislature any next steps and any
23 recommendations for future legislation, so that is going
24 to be an issue.

25 BOARD MEMBER EATON: So will this be a one-time

1 allocation?

2 MS. BRODDRICK: Yes, it's just one time.

3 BOARD MEMBER EATON: So in other words, three
4 years from now, two years from now we're not going to be
5 back trying to seek additional money in order to complete
6 this evaluation?

7 MS. BRODDRICK: Oh, absolutely not.

8 BOARD MEMBER EATON: Thank you, Madam Chair.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
10 Eaton. Thank you, Ms. Broddrick.

11 Okay. If you want to go on. I don't see any
12 other questions.

13 CONTRACTS MANAGER VILLA: Okay. Continuing with
14 Concept Number 79: Native American/LEA cross training on
15 illegal waste dumping. The recommendation from the
16 Committee is at \$30,000.

17 Concept 82 --

18 BOARD MEMBER EATON: I have just two questions on
19 this.

20 Who currently now has jurisdiction on tribal
21 lands for illegal dumping? My understanding is that it's
22 the tribal government; is that correct?

23 CHIEF COUNSEL TOBIAS: That would be my
24 understanding.

25 BOARD MEMBER EATON: So what would the LEA -- and

1 currently right now the LEAs do not have -- well, they may
2 have responsibility. They themselves have not been
3 trained yet in illegal dumping; that's what we're trying
4 to do with some of the tire money, is that -- I mean
5 because the enforcement, that's done by our legal
6 department; is that correct?

7 CHIEF COUNSEL TOBIAS: (Nods head).

8 DEPUTY DIRECTOR NAUMAN: Well, Mr. Eaton, if I
9 might.

10 The LEAs have been trained on illegal dumping.
11 We had a series of illegal dumping training sessions last
12 year for LEAs, operators, a broad range. So it's a
13 question of training versus enforcement versus
14 jurisdiction.

15 BOARD MEMBER EATON: But this is for enforcement.
16 And so if it's on tribal land, how can they enforce it?
17 They can't. So that's -- I don't have a problem with what
18 they're trying to do. They're trying to recognize and
19 what have you. But there is not an enforcement provision
20 because, first, we don't have -- at least in my
21 experiences in working with the tribal governments, they
22 hold their sovereignty to the utmost. So I'm wondering,
23 what can we do for them with regard to the LEAs and our
24 staff? And that's what I'm trying to get at. What can we
25 do?

1 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

2 BOARD MEMBER MEDINA: Yes, Board Member Eaton.

3 This came at the request of Native American tribal leaders
4 that were concerned about nontribal members dumping on
5 tribal land, and working together with the LEAs, who do
6 have jurisdiction outside tribal lands. And I know that
7 Cal EPA through Deborah Barnes is working on an
8 enforcement aspect of this. And so this would help
9 coordinate the efforts between the tribal jurisdictions
10 and the LEAs.

11 BOARD MEMBER EATON: And my point is -- and I
12 don't have a problem with it. I'm just wondering if it's
13 not premature since we don't have that in place, because
14 the issues of jurisdiction and referral have not been
15 worked out. I think the issues are clearly identified in
16 the environmental arena with regard to the sovereignty of
17 the tribal lands. And I'm just wondering where we're
18 tight for money, are we a little bit premature? I'm not
19 saying it's a bad concept, I'm not saying it's a concept
20 not worthy of our funding at some point. The question
21 really is, is it right now, considering that we're at such
22 a preliminary stage of that coordination?

23 BOARD MEMBER MEDINA: Well, this is -- again,
24 according to the tribes, this is a serious problem that
25 they have now. And this would be done in three stages.

1 And basically this is the first stage to lay the
2 groundwork. And it's also pretty much in conjunction with
3 what's being done at the Cal EPA level in the area of
4 enforcement.

5 BOARD MEMBER EATON: Well, how will it work then?
6 Are they going to identify them and then refer them to us?
7 I mean I understand and I see that we're going to be
8 funding some cleanup later on, in one of the items, which
9 I think is a good thing. I just don't understand why we
10 would be funding, at this point, when none of that has
11 been worked out.

12 And that's what we really need to be doing;
13 because if we don't know what it is to train -- I mean to
14 do a literature research -- a literature search, who are
15 we -- first, let me back up. Who are we paying to do
16 this? Is this for our staff to do? Because if it's our
17 staff to do, then we can do that internally, and it should
18 be reallocated through our administrative overhead and in
19 filling some of the positions we have to fill with our
20 budget.

21 But who is going to do this work? Are we
22 contracting with the LEAs? Not that I'm aware of. I mean
23 that's who we would have to contract with. Who are we
24 contracting with?

25 BOARD MEMBER MEDINA: This would be Cal State San

1 Francisco.

2 BOARD MEMBER EATON: I don't see that on my sheet
3 and the expertise that we have therein with regard to
4 this. That's what I'm saying. I mean, you know, I'm
5 looking at it and I'm saying, okay, we're going to go
6 through and do the literature research. A lot of this can
7 be done by ourselves, at least Phase 1 and probably Phase
8 2. Then once that happens, how do we go through and do
9 Phase 3 once we've determined to set up that program?

10 I don't need to go to a State school to tell us
11 what we already know since we are the recognized -- I
12 would say, one of the recognized organizations for
13 understanding illegal tire dumping, given the fact of all
14 of the experience and knowledge we've come to acquire. So
15 I don't why we're going outside, Board Member Medina.

16 CHAIRPERSON MOULTON-PATTERSON: Any other
17 comments on this one?

18 Okay. Thank you.

19 Oh, excuse me.

20 Mr. Jones.

21 BOARD MEMBER JONES: Are they -- do we know why
22 we're -- I mean are we going to get an answer to Mr.
23 Eaton's questions? Because I do have a question -- I mean
24 is it a question that they don't know who has legal
25 authority to go after somebody? I mean if that's the

1 purpose, I'm wondering if we couldn't --

2 BOARD MEMBER MEDINA: Again, the tribes do know
3 what their authority is on tribal lands. But we have
4 nontribal members who are dumping on tribal land.

5 BOARD MEMBER JONES: Right. So if somebody
6 drives down the street and dumps on county land and then
7 goes a little further and dumps on tribal land, is it to
8 figure out how to go after those people? Is it to figure
9 out how to get it cleaned up? I guess, what's the purpose
10 of the legal review?

11 BOARD MEMBER MEDINA: Again -- and this was
12 expressed by the tribes -- because this is a nontribal
13 person dumping on tribal lands -- they wanted to know how
14 they could best work with the counties that do have
15 enforcement powers off the reservation and to see how they
16 approach this.

17 BOARD MEMBER JONES: Okay. So we -- okay.

18 BOARD MEMBER MEDINA: And in terms of in-house
19 expertise, I don't know the full extent of that expertise
20 in regard to the staffing that we have available for them.

21 BOARD MEMBER JONES: Could we -- I know we've
22 cleaned up, that I know of since I've been here, I think
23 three tribes. One was incredible, up in Humboldt County.
24 Is there a possibility of maybe our staff facilitating
25 between the LEAs and the tribes?

1 I've had tribes call me on issues where I just
2 made one phone call and got somebody to snap on an issue
3 they weren't being responded to in the community. And it
4 was bogus. But maybe we could end up working together to
5 try to figure out a way to facilitate some of that, you
6 know, through the LEAs and through the indian tribes in
7 different jurisdictions. Because clearly they've got
8 some -- the tribes have some avenues that they can go
9 down, and I think the -- I wouldn't be surprised if the
10 local government couldn't go after the illegal dumpers
11 even though it was on sovereign land, you know. But it
12 would seem to me that between our legal staff and our P&E,
13 I mean -- I mean we should be able to. And I'll be more
14 than happy to help to facilitate some of --

15 BOARD MEMBER MEDINA: Our legal staff has been
16 very helpful in any issues regarding again tribal issues.
17 If there's any questions regarding this particular
18 concept, I would be willing to pull it off at this time
19 and give it --

20 BOARD MEMBER JONES: But I'd be willing to offer
21 any assistance I can, too, you know, to -- because I think
22 there are some avenues that -- and if those tribes -- some
23 of those tribes are pretty well ignored, especially in
24 certain parts of the State where they may not have a
25 casino. And one of them called me direct. And, you know,

1 I've got no problem with trying to help you in getting
2 that achieved, if you want to try that.

3 BOARD MEMBER EATON: See, Mr. Medina, my point is
4 is not the money. And I think Mr. Jones has hit on a good
5 point here. I would much rather take the allocation as
6 promoted right here and use that for us to get together --
7 and you can call it whatever you want, symposium,
8 conference, a series of training sessions wherein we bring
9 our legal staff, the tribal council's numerous legal staff
10 together to prepare some materials, if we bring the LEAs
11 in and we go around and actually teach them. I don't -- I
12 think going out and contracting for a literature review,
13 we know -- they pay -- you know as well as I do, when
14 we've worked with the tribes, they pay an inordinate
15 amount of legal fees for everything that confronts them on
16 a daily basis.

17 I'm looking at basically getting the most bang
18 for our buck. And I think if we pull that together and if
19 you look at your contract concept and switch it to more of
20 a symposium where you either have one or two or three and
21 bring them together, we can then actually, you know, teach
22 them and they can teach us in a mutual exchange of ways
23 that we can actually solve a problem. And that's really
24 the key. I don't think the idea is a bad one. I think
25 the approach of what we want to do, and by contracting out

1 with a State school or anyone, really is not the proper
2 route to take at this time.

3 BOARD MEMBER MEDINA: Thank you, Board Member
4 Eaton and Jones. I appreciate your remarks and certainly
5 we'll take those into consideration.

6 CHAIRPERSON MOULTON-PATTERSON: So I'm unclear.
7 Did you want to go ahead with it, or did you want to pull
8 that section and work with Mr. Eaton and Mr. Jones? What
9 is your pleasure?

10 BOARD MEMBER MEDINA: At this time, I would pull
11 it and work with both Mr. Eaton and Mr. Jones to better
12 prepare this.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
14 Mr. Jones.

15 BOARD MEMBER JONES: Thanks, Madam Chair. Just a
16 question of Ms. Jordan.

17 This idea about putting together some round
18 tables or some symposium or something where we facilitate
19 it maybe in three or four parts of the state, the tribes,
20 the local government, our staff, our legal staff, could
21 dollars be allocated or -- maybe not allocated -- but I
22 mean to pay for --

23 DEPUTY DIRECTOR JORDAN: Certainly.

24 BOARD MEMBER JONES: -- those types of
25 activities?

1 DEPUTY DIRECTOR JORDAN: Yes.

2 BOARD MEMBER JONES: So would you need -- that
3 would be an internal expenditure though, right? If it was
4 done where -- I'm not trying to spend your money, Mr.
5 Medina. I'm just trying to figure out something here.

6 If we ended up in the next couple of days
7 figuring out a way to put a series of workshops together
8 that called for that kind of combination, if that was
9 internal between P&E, Legal, whatever, but it was Board
10 driven, could these dollars be used for facilitators or
11 for rooms or those types of things?

12 DEPUTY DIRECTOR JORDAN: Yes, all of those. And
13 it could go to a contractor who could actually organize
14 all of this and set that all up.

15 BOARD MEMBER JONES? Oh, organize the couple of
16 events and stuff.

17 DEPUTY DIRECTOR JORDAN: As we do for the trade
18 show, as we do for some of the other conferences.

19 BOARD MEMBER JONES: Okay. Would we have to
20 allocate it -- we're in April --

21 DEPUTY DIRECTOR JORDAN: Yes. Yeah, it has to be
22 allocated and encumbered by June 30th.

23 BOARD MEMBER JONES: Okay. Can I ask one more
24 question, Madam Chair?

25 CHAIRPERSON MOULTON-PATTERSON: Certainly.

1 BOARD MEMBER JONES: I think this was a pretty
2 good idea and a pretty good -- I mean between all the
3 different ideas going around. But from a timing
4 standpoint, because I don't want Mr. Medina to get caught
5 a month short, if the Board felt comfortable with trying
6 to put -- maybe holding this \$30,000 -- or whatever it is.
7 What is it? Is it 30?

8 CHAIRPERSON MOULTON-PATTERSON: It's 30.

9 BOARD MEMBER JONES: Let's hold the \$30,000 over
10 till tomorrow or something. If we worked on what may be a
11 way that accommodates Mr. Medina where he's comfortable
12 and the members are comfortable with actually being able
13 to put these things together, would that make sense? Or
14 would we be too rushed to come back next month? It's just
15 a timing issue. I don't want to force it.

16 CHAIRPERSON MOULTON-PATTERSON: I think if we
17 could take care of it and come back to this tomorrow, it
18 would be a good thing.

19 Wouldn't you be in favor of that, Mr. Medina?

20 BOARD MEMBER MEDINA: Yes, I would, Madam Chair.

21 BOARD MEMBER JONES: Would that work for --

22 DEPUTY DIRECTOR JORDAN: Certainly.

23 BOARD MEMBER EATON? Yeah, you just have to move
24 to divide the question and take that out of the item.

25 DEPUTY DIRECTOR JORDAN: Take that one out.

1 BOARD MEMBER EATON: And that's what we'd do, as
2 well as any others that subsequently we may have a
3 question about.

4 BOARD MEMBER JONES: Okay. Well, then when it
5 comes time, because I think it's important, I think
6 there's a way to fix it.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Jones and Mr. Eaton and Mr. Medina.

9 Okay. Let's move right on, Concept 82.

10 CONTRACTS MANAGER VILLA: Concept 82: Local
11 government options to partner with electronics industry
12 for product stewardship. And the Committee recommended
13 zero dollars at this time.

14 CHAIRPERSON MOULTON-PATTERSON: Okay. And this
15 was with -- Mr. Paparian, did you want to speak to this --
16 I mean why you did this --

17 BOARD MEMBER PAPARIAN: Yeah, just briefly. I
18 mean it is an item that I really want to see happen. I
19 know the staff really wants to see it happen as well. But
20 we were looking for money to help fund the program
21 evaluation of SABRC. And this was one of the ways we were
22 able to come up with that money, was to provide zero for
23 this item at this time. But I did also express to the
24 Committee members my very strong desire to get this as
25 soon as possible over the next round of allocations in the

1 next fiscal year, or if for any reason we have money
2 available again this fiscal year, I'd certainly be pushing
3 for that.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
5 Mr. Paparian.

6 Okay. We'll go on to 83.

7 CONTRACTS MANAGER VILLA: Eighty-three is: Grant
8 writing workshop and outreach proposal. And this is a
9 split-funded concept with \$17,000 recommended from the
10 Integrated Waste Management Account by the Committee.

11 CHAIRPERSON MOULTON-PATTERSON: Okay.

12 CONTRACTS MANAGER VILLA: Concept 84 is:
13 Household hazardous waste cost calculator. And that is
14 not recommended for funding.

15 Concept 86 is: Augment the certified court
16 reporting contract. And the Committee recommended
17 \$15,000.

18 CHAIRPERSON MOULTON-PATTERSON: I think that's
19 self explanatory.

20 CONTRACTS MANAGER VILLA: And Concept Number 87
21 is: Recognition for the 50 percent jurisdictions. And
22 the Committee recommended \$12,000 for that.

23 And that concludes the IWMA portion of the
24 allocation process.

25 CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

1 BOARD MEMBER EATON: Purely a suggestion. But I
2 like the idea of the recognition for the 50 percent
3 jurisdictions. And as many of us have talked about trying
4 to find a way to actually recognize -- and I assume that
5 this is what it was going to do. But do you think there's
6 a way for those who run -- what is the television program
7 that I'm always so sticky about, the one that's --
8 Heartland, there you go, Heartland -- that maybe we could
9 place a call to our good friends at Heartland and maybe
10 ask them to run a little trailer maybe, you know, at the
11 same time that we're recognizing these jurisdictions at
12 the end of our time that -- where they put up and say,
13 hey, California Integrated Waste Management Board for 10
14 seconds, that we could do either a local jurisdiction or
15 two on there or some -- or a B role or something like that
16 maybe?

17 CHAIRPERSON MOULTON-PATTERSON: I think that
18 would be great because, you know, the idea is to give them
19 recognition.

20 And so could we explore that, Mr. Peck.

21 MR. PECK: Certainly.

22 CHAIRPERSON MOULTON-PATTERSON: And, Ms. Wohl,
23 I'm sorry. That's your department here.

24 DEPUTY DIRECTOR WOHL: Sure, we'll explore that.

25 CHAIRPERSON MOULTON-PATTERSON: Okay. I think it

1 could be done. I think it's a good idea.

2 Okay. Are you -- you want to go into RMDZ?

3 CONTRACTS MANAGER VILLA: Okay. Concept 85 is:

4 The Native American intergovernmental greening project.

5 This request is \$80,000, which is an augmentation to an

6 existing concept. So the Committee is recommending an

7 \$80,000 augmentation to this concept.

8 The original scope of work is very aggressive and

9 we've put out two competitive processes for that that were

10 unsuccessful. And the feedback that we received was that,

11 you really have an aggressive scope of work and it needs a

12 little bit more funding, so that's why this augmentation

13 is in here.

14 BOARD MEMBER EATON: If I may just speak to that.

15 I think Mr. Medina probably thinks I'm picking on

16 him today. But my feeling with regard to the reallocation

17 items, and I'll say it one more time, is that when we have

18 extra savings, that we need to go back and look at those

19 items that we haven't been able to fund through the normal

20 course of the year; and that it's kind of -- an extra kind

21 of reward in savings.

22 And I think this is one where we -- that if we

23 sent out two RFPs or RFQs and we haven't gotten any

24 response, the response that says we need more money I

25 don't think has merit. Because if you look back -- and I

1 went back and did some research on the number of grants
2 that we have with regard to green building and
3 sustainability, and they're all 37,000, 46,000, 42,000,
4 44,000, 60,000, 33,000 and 45,000. I've got a whole list,
5 if anyone's interested.

6 So it's not the amount of money here. And I
7 think that what I would rather do is if you would look
8 at -- and I wasn't part of the subcommittee and I don't
9 mean to second-guess you. But here we have -- if you look
10 at -- as we get to a later item, and I believe it's Item
11 Number 75, one right after this, which is Fund Reuse
12 Assistance Grant Recipients, we have a situation there
13 where reuse first and foremost is a higher use of -- in
14 our hierarchy, is higher, it's the second highest, and
15 that yet we're underfunding those reuse grants.

16 And that was something that Senator Roberti
17 fought very hard for when he first came, is reuse. And
18 I'm saying -- and I would ask those who are on this
19 subcommittee and others to look at this as a reallocation
20 item and to fund fully those items that are consistent
21 with what we haven't been able to fund, that had we had
22 the money at the time we made that allocation, we would
23 have fully funded them.

24 And it's not to go after because they're native
25 American or green building -- it's a green building thing.

1 So for me to even be able -- to even have to talk about it
2 pains me because I'm such a strong advocate of it.

3 But I don't believe, if you've been rejected by
4 two people or three, that somehow getting more money is
5 going to get you what you want to have. I think that
6 rather you need to first set forward some groundwork for
7 it. And I would ask that you consider the fact that what
8 we are looking for with the reuse items is just about this
9 exact money to fully fund reuse, which is a higher, you
10 know, level in our hierarchy, that would then fully fund.

11 And that maybe what we'd do is find out why we're
12 not getting any feedback. And maybe what we need to do is
13 instead of asking for more money with the aggressive
14 scope, is to reduce the scope and then see if we can't get
15 something there. And maybe take a baby step instead of a
16 giant leap, as we well know, as others who have funded in
17 the past and at least two or three cycles have all been
18 within that -- under what the original proposal was that
19 was rejected.

20 And that would add up to the same amount of
21 money. So I would ask the board members to reconsider the
22 reuse item to fully fund that. And this would be one item
23 where you could pull some of that money out of.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
25 Eaton.

1 I did have one question on the reuse.

2 Eighty-five thousand was requested, and then executive
3 staff recommendation was only \$25,000

4 What was the reasoning for that? I know we went
5 over it, but I forget.

6 DEPUTY DIRECTOR WOHL: We actually -- Patty Wohl,
7 Prevention and Market Development Division.

8 We had two that were partially funded. And so
9 the proposal was, if there were conflicting priorities,
10 that, at a minimum, we could fund the two that were
11 partially funded. So that would have been the \$25,000.
12 We still had two other passing scores that we could fully
13 fund, and we just thought it was a matter of priorities
14 given all the other demands.

15 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
16 Mr. Medina.

17 BOARD MEMBER MEDINA: Yes, Madam Chair, I just
18 wanted to respond to this.

19 And that's that just -- in this year alone, you
20 know, the tribes according to the Riverside Press, were
21 going to do \$2.3 billion worth of construction. And so
22 conceivably if we were able to even capture a portion of
23 that for reuse materials, that that would significantly
24 expand and impact the market for recycled content
25 materials.

1 There are hundreds of tribes in California. We
2 were successful after one year's effort to sign one MOU
3 with the tribes that they would use recycled content
4 material, which they have done in one of the buildings
5 that is being constructed by a water bottling company,
6 where they are using sustainable construction.

7 And as we proceed further with the remainder of
8 the tribes in signing the agreements and on getting
9 encouraging use of recycled content materials and all
10 other work that has to be done in this area, the feedback
11 that I got back was that for the scope of the project --
12 and I think that staff had spent a lot of time putting
13 this together -- that the original amount that went out
14 really did not provide sufficiently to do the type of work
15 that was required. So it was just in response to that.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
17 Medina.

18 BOARD MEMBER EATON: Maybe we need to reduce the
19 scope then, so that we're able to fund some of the other
20 items. So if it's the scope that is the problem and not
21 the money, then, you know, maybe we just need to reduce
22 the scope and start out incrementally.

23 I have no problem with that. I am behind you 100
24 percent. But as I mentioned, the policy question here is
25 a reallocation. And if we didn't get any bites at the

1 apple the first time, the issue is not that it wasn't --
2 whether it was good or bad -- it's good. The issue is
3 it's the scope of work. And the other issue is that we
4 have other projects that have scored high and had passing
5 grades and in an area which we stress highly, i.e., reuse,
6 that we could use this money for to fund fully. And
7 that's really the key question. It has nothing to do with
8 the fact of how much they're spending or whatever. It's a
9 recognition of what is the problem. Getting more money is
10 not the problem you're trying to solve. It's still the
11 scope of work, and I think that's the key question.

12 Reduce the scope when we look at it, maybe then
13 we're able to add some dollars. I haven't done all the
14 figures here, but I think there's some money left over. I
15 don't have a problem with what's left over, after we fully
16 fund the reuse, to then put that money into this
17 particular project. Maybe it's an extra \$30,000 or
18 \$40,000 so we don't have to reduce the scope. But that
19 would be, I think, a way, from a policy standpoint, I'd
20 like to see us go.

21 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
22 Mr. Eaton.

23 BOARD MEMBER MEDINA: I think given the breadth
24 and scope of the challenge in regard to reaching all of
25 the tribes, that starting out in very small incremental

1 steps, when we're actually trying to reach all of the
2 tribes at this particular time when they're in the early
3 stage of their construction, two years, five years from
4 now, you know, the construction will have gone ahead and
5 we will not have been in right at the inception of the
6 construction, which is the most opportune time to
7 introduce the tribes' ability to use recycled content
8 materials. And I've seen larger amounts of monies going
9 out for other projects, so I really do not feel that the
10 amounts that are being proposed here are out of line with
11 some of the other monies that have been given out.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
13 Medina.

14 We'll go on to Concept Number 70, large public
15 venues diversion.

16 CONTRACTS MANAGER VILLA: This concept was
17 recommended by the Committee at \$30,000.

18 CHAIRPERSON MOULTON-PATTERSON: Okay.

19 CONTRACTS MANAGER VILLA: Concept 75:
20 Reallocation of unexpended funds to fully fund reuse
21 assistance grant recipients. The recommendation by the
22 Committee was \$25,000.

23 Concept 76: CALMAX. There was no committee
24 recommendation.

25 Continuing with the Concept 72: Assessing best

1 management practices for composting to reduce odor and
2 emissions. The Committee recommendation is \$50,000.

3 Concept 73: Assessing composting as a treatment
4 for Sudden Oak Death disease. The Committee recommended
5 \$50,000.

6 Concept 74: Risk assessment of vinyl chloride in
7 buildings and building materials by OEHHA. The Committee
8 recommended \$38,655.

9 And the final concept 77: Plastic trash bag
10 laboratory testing. The Committee recommendation is also
11 zero.

12 CHAIRPERSON MOULTON-PATTERSON: Okay. Questions?
13 Okay. Motions?

14 BOARD MEMBER EATON: Madam Chair, if we're -- I
15 would like to -- in addition to moving that we divide the
16 question on Number 77, which was the symposium slash, you
17 know, training item, that if we could also, at least from
18 my purposes, if I have a separate vote on Concept 85 with
19 regard to the Native American intergovernmental greening
20 project, because what I'm trying to do right here is if --
21 Ms. Wohl, how much is needed for the reuse to fully fund
22 those two projects? If I take 84 and minus what you've
23 requested, is that the difference?

24 DEPUTY DIRECTOR WOHL: Right. The original
25 request was for \$84,798, and that was to fully fund the

1 two partial and the two additional.

2 BOARD MEMBER EATON: Okay.

3 CONTRACTS MANAGER VILLA: So that would leave
4 approximately \$20,000 left on the table.

5 BOARD MEMBER EATON: Right, which then could be
6 allocated to the native American, which then would bring
7 up their total for the scope of work to how much?

8 CONTRACTS MANAGER VILLA: Ninety thousand dollars
9 total.

10 BOARD MEMBER EATON: Ninety thousand.

11 CHAIRPERSON MOULTON-PATTERSON: Well, my
12 suggestion would be to have a motion with those two
13 exceptions, and vote on those two separately.

14 BOARD MEMBER EATON: Please. That would be
15 great. That's what I was trying to get to eventually.
16 Thank you.

17 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian, did
18 you --

19 BOARD MEMBER PAPARIAN: Well, I'm not -- at one
20 point there was a suggestion we put this over till
21 tomorrow in order to fully understand what's going on.

22 CHAIRPERSON MOULTON-PATTERSON: Well, let's not
23 put the whole thing over till tomorrow.

24 BOARD MEMBER EATON: No, it's a procedural
25 question where you can move to divide the question on 77.

1 The motion will be -- that the Chair will make is that we
2 move to carry that over till tomorrow and vote on that
3 separately.

4 DEPUTY DIRECTOR WOHL: Madam Chair, I believe
5 it's 71.

6 BOARD MEMBER EATON: Seventy-one, whatever one it
7 is.

8 BOARD MEMBER PAPARIAN: Seventy-one or 79?

9 CONTRACTS MANAGER VILLA: No, it's -- Concept 79
10 is the one that Board Member Eaton suggested that we hold
11 over until tomorrow.

12 And just so that we can see the numbers up here,
13 Sue, if you will plug in the Committee recommendations
14 excluding 79 so that we can see the \$30,000 balance.

15 BOARD MEMBER PAPARIAN: I'd also -- and one of
16 the things we did in Committee was we heard from staff
17 about some of the priorities that they had and why and so
18 forth. One thing I would just like to know is, if there
19 were extra money available -- and these are both Patty and
20 your division. If extra money were available, do you
21 prefer to put it in the reuse area or the one that I gave
22 up on, which was the electronic waste item that I
23 suggested postponing for a few months?

24 DEPUTY DIRECTOR WOHL: I think of those two, our
25 preference is the reuse.

1 BOARD MEMBER PAPARIAN: Okay.

2 CHAIRPERSON MOULTON-PATTERSON: Okay. Can we
3 have a motion for at least part of this.

4 BOARD MEMBER JONES: Madam Chair.

5 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

6 BOARD MEMBER JONES: As an innocent bystander --

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Jones.

9 BOARD MEMBER JONES: -- I will move Resolution
10 2002.

11 BOARD MEMBER PAPARIAN: Can we debate that?

12 BOARD MEMBER JONES: I'd lose.

13 BOARD MEMBER EATON: Never ask a question you
14 don't know the answer to, Mr. Paparian.

15 BOARD MEMBER JONES: -- 2002-156 revised to
16 include -- I'm just going to give concept numbers --
17 Concept Number 78 for \$15,000, 80 for \$46,000, 71 for
18 \$81,000, 83 for \$17,000, 86 for \$15,000, 87 for \$12,000,
19 Concept Number 70 for \$30,000, 75 for \$25,000, 72 for
20 \$50,000, 73 for \$50,000, and 74 for \$38,655.

21 CHAIRPERSON MOULTON-PATTERSON: Okay. And I'll
22 go ahead and second that.

23 Any comments.

24 Okay. Let's call the roll on that. It's
25 resolution 2002-156 revised; the motion by Mr. Jones,

1 seconded by Moulton-Patterson, and it includes concept 78,
2 80, 70, 83, 86, 87, 75, 72, 73, 74, with the amounts as
3 stated by Mr. Jones.

4 Please call the roll.

5 SECRETARY VILLA: Eaton?

6 BOARD MEMBER EATON: Aye.

7 SECRETARY VILLA: Jones?

8 BOARD MEMBER JONES: Aye.

9 SECRETARY VILLA: Medina?

10 BOARD MEMBER MEDINA: Aye.

11 SECRETARY VILLA: Paparian?

12 BOARD MEMBER PAPARIAN: Aye.

13 SECRETARY VILLA: Roberti?

14 BOARD MEMBER ROBERTI: Aye.

15 SECRETARY VILLA: Moulton-Patterson?

16 CHAIRPERSON MOULTON-PATTERSON: Aye.

17 BOARD MEMBER JONES: Madam Chair?

18 CHAIRPERSON MOULTON-PATTERSON: Yes, Mr. Jones.

19 BOARD MEMBER JONES: Should we hold for
20 discussion tomorrow on -- you know, however you do this?
21 Is that what our intent is?

22 CHAIRPERSON MOULTON-PATTERSON: Well, it is to
23 hold 79.

24 I don't have any clear direction yet on 85 -- if
25 you want to do 85 or if you want to take a separate vote

1 on that right now.

2 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

3 BOARD MEMBER MEDINA: Madam Chair, I would like
4 to move approval of Item 85 today.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. So I guess
6 we'll go ahead --

7 CONTRACTS MANAGER VILLA: In the amount of
8 \$80,000?

9 BOARD MEMBER MEDINA: That's correct.

10 CHAIRPERSON MOULTON-PATTERSON: I'll second it.
11 Mr. Jones, you had a question?

12 BOARD MEMBER JONES: I have a question, on the
13 item that came up, for Ms. Wohl.

14 The idea that this RFP went out twice and nobody
15 could respond, then you said -- and that was for \$70,000?

16 DEPUTY DIRECTOR WOHL: Correct.

17 BOARD MEMBER JONES: And who was it that said, if
18 you add \$80,000 to it, you'll get a response? Was that
19 staff's recommendation or was that vendors that you might
20 try to solicit to do this work?

21 DEPUTY DIRECTOR WOHL: I think we did eventually
22 find kind of -- our biggest problem was finding somebody
23 with a green building background and sort of the tribal
24 background, the combination. And we did finally find an
25 educational institution that would potentially hire a

1 subcontractor, and the combination there. So it was sort
2 of driven by somebody from the outside telling us they
3 could accomplish it within that parameter.

4 BOARD MEMBER JONES: And the work was to look at
5 every aspect of sustainable buildings within a new
6 construction of what, casinos?

7 DEPUTY DIRECTOR WOHL: What we're actually
8 attempting to do is develop a guide or a -- and part of
9 that is the outreach to say, "Here's all the things you
10 could do in relationship to buying recycled and building
11 green," and to sort of do an education piece along with
12 that to get the tribes who are ready to make those kind of
13 purchases aware of how they could incorporate that into
14 something they're already doing.

15 BOARD MEMBER JONES: Okay. But the tribes are
16 contracting out to building -- to contractors, right?

17 DEPUTY DIRECTOR WOHL: Correct.

18 BOARD MEMBER JONES: And we've got an in to
19 architects. So it's the architects that are making the
20 spec and it's the -- so really it's not the indian tribe
21 that's specing this material. It's the indian tribe
22 that's making the decision on whether or not to spend the
23 money on a sustainable concept?

24 DEPUTY DIRECTOR WOHL: That's right. We want to
25 educate them on the value of doing this, buying green and

1 building green; and, therefore, in turn they would
2 incorporate that into the architects they pick and the
3 products they buy and everything. But it's sort of
4 getting that education piece before they can start doing
5 it as an everyday --

6 BOARD MEMBER JONES: Understood. But we've got
7 other green building curriculum that we're out there with
8 the architects and we're out there with the building.

9 DEPUTY DIRECTOR WOHL: Correct, we have several
10 training.

11 BOARD MEMBER JONES: Are we letting these people
12 that are responding to the RFP know that that information
13 is already there, so they can draw on it?

14 DEPUTY DIRECTOR WOHL: Yes. We're going to
15 provide them with all the, you know, the guidelines we
16 have, the best practices, cases, all the training
17 materials we have, yes. It's partly being able to
18 influence the tribal communities and how to, you know,
19 interact with them and get that information across. The
20 Government isn't always viewed as the best source of that.

21 BOARD MEMBER JONES: No. And I understand that.
22 It's just -- I understand the issue that we've got seventy
23 in it and nobody's biting.

24 BOARD MEMBER MEDINA: And, again, Board Member
25 Jones, to go back -- the groundwork for this has gone on

1 for over a year. And when I asked -- and this is not all
2 about the construction of casinos, but the construction
3 also of other buildings as the tribal governments are able
4 to improve the -- you know, the condition on their
5 property and construction of schools and hospitals.

6 But just asking one tribe in regard to "who
7 constructed your casino?" and they said, "Well, we know
8 that they're being constructed in Las Vegas, so we just
9 contracted an architect in Las Vegas," and, "Well, you
10 know, we'd like for you to use recycled content material
11 for all of your buildings and we have green contractors,
12 green architects"; they knew nothing about them.

13 As it turns out, we have a directory of green
14 contractors and a directory of people that do green
15 architects and a lot of other services that are available
16 to the tribes. But there's a tremendous amount of work
17 that needs to be done in this area. And fortunately we
18 have signed an agreement with one tribal government. And
19 because of that and our contract with other tribal
20 governments, they're favorably disposed to this. We
21 invited them to the trade fair. And I personally see the
22 need to take an aggressive approach on this.

23 I know that in another area having to do with the
24 study of minority communities in the waste stream, \$28,000
25 to do a study which clearly in regard to that particular

1 area was not enough, we've done a lot with it. But I
2 think this is a prime opportunity to really expand the
3 market for recycled content materials. And I see the need
4 to proceed on it aggressively. And we'll take any input
5 from any board members as to how we can do it better. But
6 I think given the timing, I would push for full funding
7 for this effort.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
9 Medina.

10 BOARD MEMBER EATON: Madam Chair, may I just ask
11 legal counsel one question?

12 CHAIRPERSON MOULTON-PATTERSON: Yes.

13 BOARD MEMBER EATON: Are we in the process of
14 either being challenged or having litigation as a results
15 to the original -- one of the original RFPs or RFQs that
16 went out.

17 CHIEF COUNSEL TOBIAS: I could discuss that with
18 you in closed session.

19 CHAIRPERSON MOULTON-PATTERSON: We have a motion
20 on the floor and a second to approve Concept Number 85.
21 But we will take a 5 minute break.

22 (Thereupon a brief recess was taken.)

23 CHAIRPERSON MOULTON-PATTERSON: I'd like to ask
24 to have a closed session regarding pending litigation, and
25 we'll be out in about 10 minutes. Thank you.

1 (Thereupon a brief recess was taken.)

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
3 the meeting back to order.

4 Mr. Medina.

5 BOARD MEMBER MEDINA: Madam Chair, I'd like to
6 withdraw my previous motion.

7 CHAIRPERSON MOULTON-PATTERSON: I'll withdraw the
8 second. Thank you.

9 Okay. That ends our executive, administrative
10 and policy section.

11 And, at this time, we're going to Special Waste
12 Number 16. But since Mr. Jones is the Chair of Special
13 Waste, Waste Prevention and Market Development, do you
14 want to give that report, and then we'll call on you for
15 the other area? Why don't you give -- or just -- I guess
16 you'd be giving them on three then. Or do you want to
17 give it all together?

18 BOARD MEMBER JONES: I'll just give this one. Or
19 Special Waste, Waste Prevention and Market Development,
20 how's that.

21 That meeting was held on Monday, April the 8th.
22 We heard 19 items. We had 13 of them that have either
23 been on consent or have gone forward -- because they are a
24 consideration of a money item, have gone forward with the
25 full recommendation of the Committee.

1 And we'll hear those individually. They include
2 an awful lot of scopes of work, compliance audits,
3 conversion technology, the Highway Patrol used oil.

4 One important report you're going to hear is on
5 the -- one of the discussion items is going to be a
6 discussion on the things that are impacting the organics
7 industry. And in case it doesn't come out in the report,
8 on our clopyralid issues, just within the last week or so
9 29 facilities having been tested, 19 got hits. This is a
10 serious issue. You can look at down south and there are
11 signs that will scare you, like "take this at your own
12 risk."

13 So those are the issues we're going to be taking.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
15 Jones.

16 And I will turn it over to Ms. Willd-Wagner.

17 MS. WILLD-WAGNER: Thank you.

18 Good afternoon, Madam Chair and Board Members.
19 I'm Shirley Willd-Wagner with the Used Oil and Household
20 Hazardous Waste Branch.

21 Item 16 is: Consideration of the grant awards
22 for the Used Oil Opportunity Grant Program for Fiscal Year
23 2001/2002. This is one of those items Mr. Jones just
24 referred to. It was heard in the Special Waste, Waste
25 Prevention and Market Development Committee, recommended

1 for approval by the Board. Staff is recommending 18
2 grants be awarded for a total of \$5,103,182.62.

3 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

4 Any comments? We do have a speaker.

5 Mr. Jones.

6 BOARD MEMBER JONES: If you have a speaker -- I
7 was just going to have a motion.

8 CHAIRPERSON MOULTON-PATTERSON: Okay. Robert
9 Nelson, Riverside County.

10 MR. NELSON: Thank you again, Madam Chair and
11 Members of the Board. Bob Nelson, Riverside County.

12 Our application was not approved, I understand.
13 And I'm here merely to ask the question: Is there another
14 opportunity? Because our need is great. We thought we
15 had an excellent application. And I'm simply asking if
16 there's any public pronouncement of the next round of
17 opportunities?

18 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr. Leary,
19 did you want to address that?

20 EXECUTIVE DIRECTOR LEARY: I'm sorry, Madam
21 Chair. I was distracted.

22 CHAIRPERSON MOULTON-PATTERSON: Ms. Willd-Wagner,
23 Mr. Nelson was asking about future opportunities and if
24 the Board gave direction to provide more assistance.
25 Don't we have a remaining \$7,000 for pilot programs? Or

1 anyway, could you report so I'm not giving false
2 information out here, or staff.

3 EXECUTIVE DIRECTOR LEARY: I'm still not
4 following. I'm sorry.

5 MS. WILLD-WAGNER: I believe one of the questions
6 was the next opportunity grant. That will be in Fiscal
7 Year 2003/4. They're on an every-other-year cycle. Next
8 year in fiscal 2002/3 we will have a couple of grants that
9 may include something that this project could be reapplied
10 for at that time, either the nonprofit organization grants
11 or the research testing and demonstration grant program.

12 We also have some other ideas that might be
13 coming forward through the Used Oil Allocation Program
14 that does come up every fiscal year that, as you know, we
15 bring to the Budget Committee and then to the Board.

16 I'm not sure if that really answers the full
17 question.

18 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

19 Well, I had -- were you finished, Mr. Nelson?

20 I did want to mention that there seems to be a
21 bit of a disconnect with how well jurisdictions think they
22 did with how well they scored. So I really, you know,
23 would like to see if we can't get more assistance in the
24 grant writing. You know, we want everybody to be
25 successful and get as much money out as we can.

1 Do we give any guidance?

2 MS. WILLD-WAGNER: Yes, Madam Chair. We meet
3 with anyone requesting the assistance immediately after
4 the Board has made their recommendation for award or has
5 awarded the grants. And we have staff that can meet with
6 any jurisdiction that did not receive a grant proposal and
7 will give advice on how to improve specifically. Also, I
8 think that we've just approved a contract concept for
9 grant writing outreach training throughout the State. And
10 we would work closely with Ms. Jordan's staff to help put
11 that together also.

12 CHAIRPERSON MOULTON-PATTERSON: Okay. I think
13 that's very important. Thank you.

14 Mr. Jones.

15 BOARD MEMBER JONES: Thanks, Madam Chair.

16 I'll move adoption of Resolution 2002-160
17 Revision 3 -- is that right, Shirley? Mine says Revision
18 3.

19 CHAIRPERSON MOULTON-PATTERSON: Mine too.

20 BOARD MEMBER JONES: Consideration of the grant
21 awards for Used Oil Opportunity Grant Program for fiscal
22 2001/2002.

23 CHAIRPERSON MOULTON-PATTERSON: I'll second that.

24 We have a motion by Mr. Jones, seconded by
25 Moulton-Patterson, to approve Resolution 2002-160 Revision

1 3.

2 Please call the roll.

3 SECRETARY VILLA: Eaton?

4 BOARD MEMBER EATON: Aye.

5 SECRETARY VILLA: Jones?

6 BOARD MEMBER JONES: Aye.

7 SECRETARY VILLA: Medina?

8 BOARD MEMBER MEDINA: Aye.

9 SECRETARY VILLA: Paparian?

10 BOARD MEMBER PAPARIAN: Aye.

11 SECRETARY VILLA: Roberti?

12 BOARD MEMBER ROBERTI: Aye.

13 SECRETARY VILLA: Moulton-Patterson?

14 CHAIRPERSON MOULTON-PATTERSON: Aye.

15 Number 17.

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

17 Good morning, Chair and Members of the Board.

18 This is Martha Gildart with the Special Waste Division.

19 The next three items are contract award items for

20 the tire recycling program as specified in the five-year

21 plan.

22 Summaries of the three successful contractors

23 were distributed to the Board on Friday, April 12th. Or

24 we can make additional copies available, if necessary.

25 Item 17 is: Consideration of contractor to

1 Investigate Increasing the Recycling Content in New Tires.

2 And this item will be presented by Patti DuMont of the
3 Waste Tire Diversion Section.

4 MS. DuMONT: Good afternoon.

5 As Martha said, this is Item Number 17,
6 consideration of a contractor to Investigate Increasing
7 The Recycled Content in New Tires Contract.

8 This item should actually read -- should be
9 revised to read, "Contract Number IWM-C0138," not 139.

10 Funding for this contract is allocated in a five-
11 year plan required by Senate Bill 876.

12 Of the total funds budgeted for contracts,
13 \$200,000 has been designated for this research contract
14 for this fiscal year and \$100,000 for the next fiscal
15 year.

16 Contract staff received three proposals by the
17 March 13, 2002, deadline and reviewed each to determine
18 compliance with requests for proposal format. Proposals
19 not meeting the requirements were disqualified. No
20 proposals were disqualified from this process.

21 The three-member panel reviewed and scored the
22 proposals.

23 The contractor will be required to conduct a
24 literature review, perform a cost-benefit analysis,
25 identify and address the barriers to increasing the

1 recycled content in new tires, and develop scopes of work
2 for future projects to be conducted in years 2003/04 and
3 2004/05.

4 This item proposes that the Board approve the
5 selection of the Nevada Automotive Testing Center and the
6 award of \$228,770 for the contract to investigate
7 increasing the recycled content in new tires.

8 The Nevada Automotive Test Center is an
9 independent test and evaluation, research and development
10 facility located 30 miles east of Carson City, Nevada.
11 The company was founded in 1957 as a tire performance,
12 durability and reliability testing facility in Carson
13 Valley of Nevada.

14 The Board options are: Adopt Resolution
15 2002-158, approving the contractor for the contract; to
16 investigate increasing the recycled content in new tires;
17 or disapprove the award of the contractor for the contract
18 to investigate increasing the recycled content in new
19 tires, and to direct staff to return at a later date for
20 further consideration.

21 Staff recommends the Board approve Option 1,
22 approval of the contractor for the contract to investigate
23 increasing the recycled content in new tires, and adoption
24 of Resolution Number 2002-158.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 Mr. Paparian.

2 BOARD MEMBER PAPARIAN: If there's no questions,
3 I'll move the item.

4 CHAIRPERSON MOULTON-PATTERSON: Okay.

5 BOARD MEMBER PAPARIAN: Okay.

6 BOARD MEMBER ROBERTI: Madam Chair?

7 CHAIRPERSON MOULTON-PATTERSON: Yes, Senator
8 Roberti, did you have a question?

9 BOARD MEMBER ROBERTI: Yes. At the risk of being
10 accused of trying to promote junk that's not for members
11 but for the staff -- and I'm not trying to do that. But
12 I'm very concerned that we only look to what happens in
13 North America.

14 MS. DuMONT: The scope award does instruct the
15 contractor to look throughout North America,
16 internationally.

17 BOARD MEMBER ROBERTI: Okay. Very good. Because
18 sometimes North American manufacturers have -- you know,
19 have various arrangements longstanding that they'll all
20 see it the same way as to why they can't do something.

21 So, that's fine.

22 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

23 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

24 I think the staff has done a good job on this.
25 This is something in response to an item I brought up

1 during the process of development of the five-year plan.

2 And I appreciate all their hard work they've done on this.

3 I'd like to move Resolution 2002-158, with the
4 change noted by staff changing the contract number to
5 C0138.

6 Also, the version of the resolution that I have
7 does not have the contractor name and amount in the
8 resolution. Yet that's come out here in the testimony,
9 and presumably that will --

10 MS. DuMONT: We will be submitting a revised
11 resolution.

12 BOARD MEMBER MEDINA: Second.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
14 motion by Mr. Paparian, seconded by Mr. Medina, to approve
15 Resolution 2002-158 with the change.

16 Please call the roll.

17 SECRETARY VILLA: Eaton?

18 BOARD MEMBER EATON: Aye.

19 SECRETARY VILLA: Jones?

20 BOARD MEMBER JONES: Aye.

21 SECRETARY VILLA: Medina?

22 BOARD MEMBER MEDINA: Aye.

23 SECRETARY VILLA: Paparian?

24 BOARD MEMBER PAPARIAN: Aye.

25 SECRETARY VILLA: Roberti?

1 BOARD MEMBER ROBERTI. Aye.

2 SECRETARY VILLA: Moulton-Patterson?

3 CHAIRPERSON MOULTON-PATTERSON: Aye.

4 Okay, item Number 18.

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6 Item Number 18 was heard by the Committee and
7 approved by a 4-0 vote. However, we have been instructed
8 to give a brief description. This is: Consideration of
9 contractor for a Market Assessment of Markets for the
10 Fiber and Steel Byproducts from Recycling Waste Tires,
11 Contract Number IWM-C0144.

12 This contract was -- the Board approved the scope
13 of work for this contract in December. It went out for
14 bid. And we received four proposals, which were reviewed
15 by a three-member panel. Staff also conducted a
16 background and reference check on the top proposers.

17 The selected contractor is CalRecovery, which I
18 believe the Board received the background information; but
19 that CalRecovery has also performed several projects for
20 the Board in the past.

21 If you have any specific questions, we are happy
22 to answer them.

23 The funding amount for this item is \$99,567.

24 CHAIRPERSON MOULTON-PATTERSON: Questions.

25 Mr. Jones -- Mr. Eaton or --

1 BOARD MEMBER JONES: Madam Chair, I'll move
2 adoption of resolution 2000-159, consideration of
3 contractor for the Market Assessment of Markets for Fiber
4 and Steel Byproducts from Recycling Waste Tires Contract,
5 Contract Number IWM-C0144, to CalRecovery for an amount
6 not to exceed \$99,567.

7 BOARD MEMBER MEDINA: Second.

8 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
9 motion by Mr. Jones, seconded by Mr. Medina, to approve --
10 is this the right resolution, 2000-159?

11 Please call the roll.

12 SECRETARY VILLA: Eaton?

13 BOARD MEMBER EATON: Aye.

14 SECRETARY VILLA: Jones?

15 BOARD MEMBER JONES: Aye.

16 SECRETARY VILLA: Medina?

17 BOARD MEMBER MEDINA: Aye.

18 SECRETARY VILLA: Paparian?

19 BOARD MEMBER PAPARIAN: Aye.

20 SECRETARY VILLA: Roberti?

21 BOARD MEMBER ROBERTI: Aye.

22 SECRETARY VILLA: Moulton-Patterson?

23 CHAIRPERSON MOULTON-PATTERSON: Aye.

24 Number 19.

25 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

1 Item 19 is the third contract. This one was not
2 voted on by the Committee, as we had not posted the
3 contractor.

4 It is: Consideration of contractor to
5 investigate increasing the lifespan of tires. And, once
6 again, Patti DuMont will be presenting this.

7 MS. DuMONT: Good afternoon again.

8 Item Number 19, consideration of contractor to
9 Investigate Increasing the Lifespan of Tires Contract,
10 tire recycling management fund Fiscal Year 2001/02,
11 Contract Number IWM-C0139.

12 This contract is also funded in the five-year --
13 according to the five-year plan as required by Senate Bill
14 876, with the total funds budgeted for contracts \$200,000
15 has been designated for this particular research contract.

16 Contract staff received four proposals by the
17 March 28th, 2002 deadline and reviewed each to determine
18 compliance with the request-for-proposal format.

19 Again, all proposals were submitted as required.
20 No proposals were disqualified.

21 The three-member panel reviewed these four
22 proposals. And the contractor will be required to conduct
23 a literature review, perform a cost benefit analysis, and
24 identify and address the barriers to increasing the
25 lifespan of tires. This literature review is also

1 international.

2 This item proposes that the Board approve the
3 selection of Simplectic Engineering Corporation as the
4 contractor and award \$200,000 for the contract to
5 investigate increasing the lifespan of tires.

6 Simplectic Engineering Corporation was founded
7 and incorporated in Alameda County in 1992, and is located
8 in Berkeley, California.

9 Simplectic Engineering is to investigate civil
10 and mechanical systems and use the insights gained to
11 improve the products and methodologies studied.

12 Simplectic Engineering provides consulting
13 services mostly to governmental and research entities in
14 such areas as computer modeling, design of experiments,
15 and technology literature review.

16 The Board options for this item are: Adopt
17 Resolution 2002-157 approving the contractor for the
18 contract to Investigate Increasing the Lifespan of Tires;
19 or disapprove the award of the contract for the contract
20 to Investigate Increasing the Lifespan of Tires, and
21 direct staff to return at a later date for further
22 consideration.

23 Staff recommends the Board approve Option Number
24 1, approval of the contractor for the contract to
25 Investigate Increasing the Lifespan of Tires, and adoption

1 of Resolution Number 2002-157, revised to include the
2 contractor's name and the contract amount.

3 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

4 Any questions?

5 Mr. Paparian.

6 BOARD MEMBER PAPARIAN: If there's no questions,
7 I'd like to move this item. It's another one that -- I
8 pushed for the tire plan, for which I appreciate the
9 staff's hard work on. I'd like to move Resolution
10 2002-157 with the changes noted by the staff.

11 CHAIRPERSON MOULTON-PATTERSON: And we have a
12 second by Mr. Medina?

13 BOARD MEMBER MEDINA: Second.

14 CHAIRPERSON MOULTON-PATTERSON: We have a motion
15 by Mr. Paparian, seconded by Mr. Medina, to approve
16 Resolution 2001-157.

17 Please call the roll.

18 SECRETARY VILLA: Eaton?

19 BOARD MEMBER EATON: Aye.

20 SECRETARY VILLA: Jones?

21 BOARD MEMBER JONES: Aye.

22 SECRETARY VILLA: Medina?

23 BOARD MEMBER MEDINA: Aye.

24 SECRETARY VILLA: Paparian?

25 BOARD MEMBER PAPARIAN: Aye.

1 SECRETARY VILLA: Roberti?

2 BOARD MEMBER ROBERTI: Aye.

3 SECRETARY VILLA: Moulton-Patterson?

4 CHAIRPERSON MOULTON-PATTERSON: Aye.

5 Number 20.

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

7 Item 20, consideration of scope of work for
8 Interagency Agreement with the California Highway Patrol
9 to Conduct an Enhanced Enforcement, Aerial Surveillance
10 Waste Tire Compliance Program.

11 As you may recall, we have had a contract with
12 the CHP for several years. They conduct road check of
13 vehicles to ensure that they are registered with the Board
14 and using the appropriate manifests. And they have
15 conducted aerial photography of illegal sites, helping us
16 identify sites the Board needs to pursue.

17 To date, there have been over 330 sites entered
18 into our program, our data base. We have been able to
19 investigate over 170 such sites. Somewhere in the
20 neighborhood of 600,000 tires have been cleaned up, either
21 through willful efforts or Board efforts as a result of
22 this program.

23 So staff is quite keen on pursuing the
24 arraignment with the California Highway Patrol.

25 This is funded for two fiscal years. There's

1 \$200,000 from the current fiscal year and \$400,000 from
2 the future Fiscal Year 2002/2003. Under the five-year
3 plan these monies had been earmarked for this effort.

4 If there are any questions, we have staff
5 available to describe the scope of work more fully. But
6 this item is to approve both the scope and the agreement
7 with the California Highway Patrol.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 Questions?

10 BOARD MEMBER EATON: I just have two quick
11 questions.

12 CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

13 BOARD MEMBER EATON: My understanding is that 330
14 sites have been identified; is that correct?

15 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART.

16 Yes.

17 BOARD MEMBER EATON: And then there's another
18 number of 203. Is that in addition or is that part of the
19 200 -- or is the 203 part of the 330?

20 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART.

21 If my list is the same as yours, there's 203,000
22 tires that were removed from sites that had not previously
23 been identified. That 600,000 I was talking about
24 included some sites that Board staff were already aware
25 of.

1 So it was a good confirmation, a good check, that
2 a number of those 330 sites we were already beginning to
3 take action on. But it let us see how much more the CHP
4 could find through their aerial surveillance. So I think
5 that 203 must be from the tires removed.

6 BOARD MEMBER EATON: Is there any, shall we say,
7 apprehension on the part of the CHP given the new security
8 duties that they've undertaken that they won't be able to
9 actually deploy the necessary personnel in order to
10 complete the contract? And the only reason why I'm asking
11 is not to take it away, but to see if we need to go back
12 and revise the five-year plan. Because they've already
13 identified, as you said, a number of sites, correct? And
14 on those sites are how many tires, roughly two million new
15 tires identified on the ground, roughly?

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
17 Since some of those have already been cleaned up, it would
18 be less than that. But I believe that number was close to
19 the estimate at the time the surveillance was conducted.

20 BOARD MEMBER EATON: And the point is that if
21 they're not able to actually do the surveillance due to
22 the security obligations, can we go back and revise the
23 five-year plan so that we can put that money towards the
24 cleanup of the sites that still remain? That's all I'm
25 asking, in case that issue pops up, it's not a situation

1 where no one wants to deploy the money, but it's there.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 As I understand, the current fiscal year monies mostly
4 likely could not be reallocated. However, that \$400,000
5 out of next fiscal year, if we were to amend or terminate
6 the contract because they were unable to provide, you
7 know, the staffing necessary, then those monies would then
8 be available for reallocation that year; and any future
9 years under the five-year plan obviously could be
10 redirected.

11 BOARD MEMBER EATON: Okay.

12 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

13 We will definitely keep track of the performance.

14 CHAIRPERSON MOULTON-PATTERSON: Senator.

15 Thanks, Mr. Eaton.

16 BOARD MEMBER ROBERTI: This proposed contract is
17 for \$600,000?

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 It's a total of \$600,000. We're asking for approval now
20 of \$200,000 from the current fiscal year and \$400,000 from
21 next fiscal year.

22 BOARD MEMBER ROBERTI: How much have we spent in
23 the past on CHP surveillance?

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART: I
25 don't have that number here. If I remember, there were

1 two separate agreements with the CHP. I believe the first
2 one was in the \$100,000 range. I'm not quite sure on the
3 second one.

4 BOARD MEMBER ROBERTI: And of these sites -- and
5 that was over a period -- this has been over a period of
6 how many years?

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART: I
8 believe it's four years for the agreement. The
9 surveillance only started in the second agreement. The
10 first agreement they were doing the road checks, you know,
11 where they would set up sort of a sting operation outside
12 of, you know, a known disposal site and check people
13 coming and going for manifests and registration. We
14 expanded that and entered into a second agreement with
15 them to conduct the aerial photography.

16 BOARD MEMBER ROBERTI: Okay. Now, how many sites
17 have we cleaned up pursuant to this program?

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
19 Okay. As I understand it, out of the 330 sites that the
20 CHP photographed for us, we've investigated 165 of those.
21 There had been something like 27 previously ID'd by our
22 staff. From those sites, a total of 671,000 tires have
23 been removed. However, a portion of those tires were on
24 the sites we already knew of.

25 So if you estimate the new unidentified

1 prior-to-the-surveillance sites, the total tires were over
2 200,000.

3 BOARD MEMBER ROBERTI: Two hundred thousand tires
4 have been removed or cleaned up, over a period of, I
5 guess, two years?

6 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
7 Roughly.

8 BOARD MEMBER ROBERTI: And the program, maybe
9 it's cost like \$800,000.
10 How much does the cleanup cost us? Do you have
11 an idea?

12 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
13 Those would be folded into the remediation contracts. If
14 you want, we could try and separate out those sites from
15 the total costs. I don't have them today.

16 BOARD MEMBER ROBERTI: Yeah, Madam Chair, my
17 concern is -- and I may be wrong -- but my concern is
18 that it's an awful lot of money. And it could end up
19 being a methodology whereby we're subsidizing, as
20 worthwhile as they are, another agency of government
21 through our resources which are allocated to us for
22 cleanup.

23 And I'm not saying this is the case -- and I
24 would like to hear a little bit more as to the cost
25 efficiency of what we have -- but we've got a rich pot of

1 gold out there, and I'm very fearful that it's being used
2 for purposes like surveillance, which are not cost
3 effective for the purposes of what this Board should be
4 doing. So absent some information, which I think staff
5 probably could get for us -- and I understand why they
6 don't have it, because it wasn't anticipated -- I would be
7 unprepared to vote for this item today.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you,
9 Senator.

10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
11 If I could respond?

12 We have sort of blended together two activities
13 here. And perhaps we could satisfy Member Roberti's
14 concerns by splitting it.

15 The current fiscal year funding of \$200,000 was
16 directed at the tasks involving the hauler inspections,
17 the on-road stops, you know, making sure they have
18 manifests.

19 And the \$400,000 from next fiscal year was to be
20 used for conducting the aerial surveillance and
21 photography.

22 Our thought was that since the last round, if you
23 will, had been completed only, you know, eight or nine
24 months ago, we wouldn't be undertaking that for maybe
25 another year, we could not fund, not approve, you know,

1 cut out that part of the interagency agreement and move
2 forward with just the road check at \$200,000.

3 BOARD MEMBER ROBERTI: The road check doesn't
4 present me with the problem, as far as I can tell. But
5 the aerial surveillance maybe does.

6 So I don't have a problem splitting the two out.
7 I don't know how the rest of the Board feels.

8 BOARD MEMBER JONES: Madam Chair.

9 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

10 BOARD MEMBER JONES: Just a question. The second
11 year would be a combination of both surveillance checking
12 vehicles as well as aerial flyovers and that?

13 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
14 Um-hmm.

15 BOARD MEMBER JONES: Because I think that with --
16 I think it was \$98,000 that we had three years ago -- two
17 or three years ago that we put into aerial surveillance.
18 CHP only flew a third of the State and found tire piles in
19 the middle of L.A. right next to a school. That was the
20 one we used in the Legislature. Nobody even knew about
21 it.

22 Remember the one on top where they had built a
23 12-foot high fence, had 10 feet of tires, yard was packed.
24 It was right next to the school. That, we never saw. We
25 had another one that we never saw. We saw all the stuff

1 in Sonoma. We found stuff up and down the central valley
2 where tires were right in the middle of sloping ravines of
3 range land, that if they ever caught on fire, would have
4 come into this cache of tires to help fuel it. But that
5 was only a third of the State.

6 And we were excited, and I remember all of the
7 Board members, because that was the tool that we were able
8 to use to show the Legislature just how severe the problem
9 is, that we haven't been able to see with eyes at
10 ground -- you know, at six feet off the ground in the cab
11 of a truck.

12 So, you know, I would hope that -- we know we've
13 got training to do because of the new manifest system.
14 We've got to rely on the Highway Patrol to stop trucks
15 coming in from Arizona, Oregon, Utah, Texas with tires
16 going to ultimate disposal sites in the state. They're
17 the tool that's going to check those. And I know you
18 don't have a problem with that; you so stated.

19 But I'd like to see this go forward and then just
20 give us an update, because it's a combination of both
21 enforcement and those flyovers which are information. I
22 know -- unless it's changed and nobody's told me -- but
23 there were a lot of the flyovers that were conducted that
24 our staff still can't identify where they're at. We know
25 there's a pile of tires. We know it was snapped in a

1 certain quadrant of the State. But they don't have the
2 bearings to find out exactly where they are, they're so
3 well hidden. Is that still -- is that anecdotal or is
4 that still --

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
6 Yeah, out of the 330 there were at least 40 sites that we
7 have been unable to locate.

8 BOARD MEMBER JONES: So they were spotted from
9 the air, but they haven't been able to find them yet.
10 That's important stuff that I think is a good use of the
11 money. I don't want to see somebody taking this dough and
12 using it to subsidize things other than what we need.
13 But, clearly, we do have money and people are looking for
14 getting things done. And if we can use the Highway Patrol
15 to help us locate those piles, we're going to ultimately
16 get them cleaned up.

17 BOARD MEMBER ROBERTI: You are apt to be very
18 correct. I just want to be cautious myself in this area.
19 And, you know, if I were the only vote for myself, I
20 prefer to wait a month on the aerial surveillance so I can
21 find out if we are getting the bang for our buck. On the
22 road checks, there's no other way to do it. I understand
23 that.

24 But I'm just speaking for myself. I'm not even
25 attempting to be critical of the program. But it strikes

1 me as a lot of money that deserves a check. Because it's
2 my natural suspicious nature, having dealt with other
3 agencies of government as I have for as long as I have,
4 that the best way to get one agency's money is to put it
5 under color of, you know, of nobility and motherhood,
6 having done it myself.

7 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

8 BOARD MEMBER MEDINA: I had a question for staff,
9 Madam Chair. And the question is: Is the Highway Patrol
10 prepared to do aerial surveillance for us? Are they
11 prepared to do that aspect?

12 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
13 Staff has met with the members of the Highway Patrol, and
14 the scope of work had been developed there and then
15 submitted to CHP. We have not heard any objections to
16 including that in the scope of work. They have not signed
17 off on it yet, but then I guess they're waiting for the
18 Board to act. I'm assuming that that's their approval
19 process.

20 BOARD MEMBER EATON: Madam Chair, maybe there's
21 one way to solve both the problems and concerns raised by
22 Senator Roberti and at the same time kind of move the item
23 along along with what Martha Gildart had recommended.

24 If you notice in the resolution, it directs that
25 the Board give the authority to the Executive Director to

1 do the interagency agreement. We don't get even a chance
2 to look at it when it comes back from there. So whether
3 or not their overhead is such, they would never be able to
4 tell. There would be no negotiating on our behalf.

5 Perhaps maybe one of the ways, because it will
6 take some time, will it not, to complete this interagency
7 agreement, Mr. Leary?

8 EXECUTIVE DIRECTOR LEARY: I believe it will take
9 some time. I don't think it will take a lot of time.
10 It's pretty boilerplate stuff. But --

11 BOARD MEMBER EATON: Do you know what the
12 overhead is, this boilerplate?

13 EXECUTIVE DIRECTOR LEARY: At the CHP? No, I
14 don't, off the top of my head.

15 BOARD MEMBER EATON: Well, then that may be a way
16 for it to come back, if Senator Roberti has a concern.

17 I don't know if that solves your problem, and in
18 enough time, to see the interagency agreement.

19 BOARD MEMBER ROBERTI: I would just like to see
20 it one more time with more data before us before we cast a
21 final vote, just to feel comfortable that the \$400,000 is
22 efficiently expended and it's the best of our
23 alternatives.

24 And as I said, staff and Member Jones are apt to
25 be correct on this, but it's a lot of money.

1 EXECUTIVE DIRECTOR LEARY: Why don't I --

2 BOARD MEMBER ROBERTI: And I'd like to see it
3 backed up with just a little bit more.

4 So that would satisfy me, yes.

5 EXECUTIVE DIRECTOR LEARY: Why don't I
6 respectfully request that we -- or suggest that we simply
7 continue this item and we'll bring it back in May and with
8 answers to all the questions we've heard.

9 BOARD MEMBER ROBERTI: That's fine too with me.
10 I don't know about the others.

11 CHAIRPERSON MOULTON-PATTERSON: Okay. I think
12 with all the questions, we should continue it until May.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. Item 21,
14 Consideration of the Grant Awards for the Local Government
15 Waste Tire Cleanup Grant Program.

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
17 Item 21 will be presented by Diane Nordstrom of the Waste
18 Tire Mediation Section. There are handouts giving a more
19 fully developed description of the individual projects
20 being proposed for funding.

21 MS. NORDSTROM: Good afternoon, Madam Chair and
22 Members of the Board. Before I give my presentation, I
23 would like to read into the record a change in Resolution
24 2002-169.

25 The fourth "Be it further resolved" should read

1 "that the award of each grant is further conditioned upon
2 full payment within 90 days from the date of the mailing
3 of the agreement package by the Board of any outstanding
4 debt owed by the proposed grantee to the Board."

5 Item 21 is a consideration of grant awards for
6 the Local Government Waste Tire Cleanup Grant Program for
7 Fiscal Year 2001/2002.

8 The Local Government Waste Tire Cleanup Grant
9 Program provides grant funding to local jurisdictions for
10 cleanup of illegally dumped tires. This will be the
11 fourth year that the Board has provided funding for this
12 program. The maximum amount of funding for each site is
13 \$50,000 and up to \$200,000 for each jurisdiction.

14 Board staff received seven applications for this
15 grant cycle. The applications were reviewed and ranked
16 using the criteria and scoring process that were approved
17 by the Board at the February 20th through 22nd, 2001,
18 meeting. All seven applications met the minimum score
19 required to qualify for funding.

20 The total grant award being requested for this
21 cycle is \$426,660 out of the \$1 million allocated for this
22 fiscal year's budget.

23 The seven applicants that have requested grant
24 funding for this cycle are the Pala Band of Mission
25 Indians, the city Victorville, the City of El Centro, Napa

1 County, the City of San Diego, the Cahto Tribe, and Fresno
2 County.

3 The Board has been provided a handout with
4 detailed project descriptions for each grantee.

5 The Pala Band of Mission Indians has requested
6 \$74,030 for the cleanup of three tire piles consisting of
7 33,500 tires.

8 The City of Victorville has requested \$15,000 to
9 do a citywide cleanup and remove an estimated 4,500 tires.

10 The City of El Centro has requested \$190,130 to
11 remove 75,000 tires dumped along the county roads.

12 Napa County has requested \$13,720 to remove 2,000
13 tires along a creek bank near Lake Berryessa.

14 The City of San Diego has requested \$121,178 to
15 remove an estimated \$20,000 tires that have washed into
16 the Tijuana River.

17 The Cahto Tribe has requested \$7,602 to remove
18 approximately 500 tires on their 200-acre rancheria.

19 And the County of Fresno has requested \$5,000 to
20 remove an illegal tire pile consisting of 700 passenger
21 tires and OTR's.

22 Staff recommends adoption of Resolution 2002-169
23 and authorize the award of \$426,660 to the applicants of
24 the Local Government Waste Tire Cleanup Program for Fiscal
25 Year 2001/2002. This concludes my presentation.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you.

2 Questions, Board Members.

3 Okay, we have a motion by Mr. Medina.

4 BOARD MEMBER MEDINA: Move the Resolution.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
6 motion by Mr. Medina, I'll second it, to move Resolution
7 2002-169.

8 Please call the roll.

9 SECRETARY VILLA: Eaton?

10 BOARD MEMBER EATON: Aye.

11 SECRETARY VILLA: Jones?

12 BOARD MEMBER JONES: Aye.

13 SECRETARY VILLA: Medina?

14 BOARD MEMBER MEDINA: Aye.

15 SECRETARY VILLA: Paparian?

16 BOARD MEMBER PAPARIAN: Aye.

17 SECRETARY VILLA: Roberti?

18 BOARD MEMBER ROBERTI: Aye.

19 SECRETARY VILLA: Moulton-Patterson?

20 CHAIRPERSON MOULTON-PATTERSON: Aye.

21 Okay. Next item, 24, I believe it is.

22 Twenty-three was on consent.

23 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

24 No, Item 22, I believe.

25 CHAIRPERSON MOULTON-PATTERSON: I mean 22. I'm

1 jumping ahead. Sorry.

2 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

3 Okay. Item 22 is: Discussion of a draft report: "An
4 Analysis of Subsidies and Other Options to Further
5 California Tire Recycling Markets" in Fulfillment of
6 Contract IWM-C0115 with California State University.

7 This is a project that was laid out in the
8 Board's five-year plan to analyze whether or not subsidies
9 were a useful tool for promoting the recycling of tires.
10 It was included in the five-year plan in response to
11 comments from members of the industry who have frequently
12 used other states' subsidies of their tire recycling
13 programs as a basis for unfair competition for market
14 share.

15 The scope of work was approved by the Board on
16 August 14th and awarded to the California State University
17 Sacramento Graduate Program and Public Policy and
18 Administration.

19 The research conducted to develop this report was
20 done in a very new method where a group of eight graduate
21 students researched portions of the issue as part of their
22 work in a master's program and part of their thesis.
23 Professor Rob Wassmer took these resulting studies and
24 combined them into a draft report, which he is presenting
25 to you today.

1 The draft report was also presented at the Waste
2 Tire Recycling Conference March 19th, and some public
3 comment was received on the findings of the report.

4 Professor Wassmer has incorporated some of those comments.

5 What we are hoping for today is to get further
6 comment and insight from the Board which can be
7 incorporated into the report and the findings.

8 So, at this time, I would like Professor Rob
9 Wassmer to make his presentation.

10 I will also be handing out hard copies of the
11 report. We had been able to make the web site available
12 to the Board members at the time of publication of the
13 agenda packet, so that it was possible for you to access
14 his report on line.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Welcome.

17 PROFESSOR WASSMER: Thank you, Madam Chair, Board
18 Members.

19 Thank you for the introduction, Martha.

20 I'm going to use an old crutch called PowerPoint
21 to make my presentation, and I think it'll make it a bit
22 clearer.

23 (Thereupon an overhead presentation was
24 presented as follows.)

25 PROFESSOR WASSMER: As Martha said, this project

1 was approved by the Board back here in August, as I recall
2 being back here at that time, just like it was yesterday.
3 It's been about seven months we've been working on it.
4 And I need to recognize the students and the tremendous
5 amount of work that they did. And in the report that
6 you're receiving, their names are listed there and you can
7 see it. So I owe an extreme debt of gratitude, and I
8 think the Board does also, to the very good work that they
9 did. I just kind of combined this information and it's in
10 the form of this report.

11 And I think the Board was, if I may say so
12 myself, was wise in choosing this method because in
13 reality we got eight different opinions on this subject as
14 opposed to just if I had done it myself. And there was a
15 difference of opinion, and I'm sure there may be a
16 difference of opinions in the results that I present to
17 you in the final recommendations. But I think it --
18 further dialogue, and I hope that this report will promote
19 further dialogue among the Board -- further dialogue among
20 the Board on this issue.

21 So let me begin with my formal PowerPoint. This
22 is the same title, "Analysis of Subsidies and Other
23 Options to Expand Tire Recycling," that the paper has on
24 it -- the report has on it.

25 Again, I am Rob Wassmer, a Professor of Public

1 Policy and Economics at Sacramento State. This is a
2 master's program. And as Martha said, there was eight
3 students involved with this project.

4 --o0o--

5 PROFESSOR WASSMER: What I want to do to you
6 today -- probably to present to you today is -- probably
7 it will last 15 minutes, 20 minutes -- and clarifying
8 questions I'll be glad to answer as we go through, but
9 just kind of lay out the paper for you. I think to get a
10 real good feel for what we've done here, it's really going
11 to require that the Board members or their staff or both
12 take a good look at it and digest the information that's
13 there. And I'll kind of give you a road map of how to
14 look through it and what's in it, and then give you the
15 conclusions that we ultimately reach and some policy
16 recommendations.

17 --o0o--

18 PROFESSOR WASSMER: So the report is divided into
19 these six different sections. And, you know, since we
20 were novices in regard to tire recycling when we began, we
21 also crafted the report in a way that was for somebody who
22 did not have much background in tire recycling or the
23 issue of tire recycling.

24 So we begin the report with just a chapter on
25 waste tires in California, the history of this issue,

1 blending it in with the history of the ecological movement
2 in the United States and the realization of tires being an
3 issue in the '80s and '90s throughout the United States,
4 and California's adoption of a waste tire legislation and
5 policies paralleling with the creation of the Waste
6 Management Board.

7 We also talk about some of the environmental --
8 not the -- the environment is one of them, but the
9 political, the economic, and the legal and the
10 institutional issues that surround waste tire management
11 in California and even discussing the Board itself and the
12 unique role that it plays in coming up with policies.

13 Then we specifically lay out some of our
14 alternatives that can be considered. Then we talk about
15 some of the criteria that we've used to evaluate these
16 alternatives.

17 And then this report, our goal was to be very
18 transparent. You know, we're not just going to give you
19 some recommendations, but we want to take you step by step
20 in our thinking process and how we got to these
21 recommendations.

22 So we talk about what the alternatives are, what
23 the criteria are, and then how we analyze these
24 alternatives in a very somewhat simple criteria and
25 alternative matrix. Well, I'll give you some examples as

1 we go along.

2 And then finally we make some recommendations at
3 the end for the Board to consider.

4 --o0o--

5 PROFESSOR WASSMER: Some background on the
6 report. Again, this is probably not new to anybody here,
7 but goes back to Assembly Bill 1843 creating the
8 California Tire Recycling Act and the sunset legislation
9 that was put in place in '98.

10 --o0o--

11 PROFESSOR WASSMER: AB 117 postponed this sunset
12 until 2001, but an evaluation of the program was required.

13 In this evaluation of the program, which was
14 titled "The Final Report," published by the Waste
15 Management Board, there was suggestion of further market
16 development activities of the Board, but it came out
17 explicitly against per tire subsidies. And there's a
18 quote in the report, so that's taken right from that. But
19 as I understand it reiterated to me by Martha and others,
20 is that stakeholders asked for a reevaluation of this
21 decision, and that's really where this report came from.
22 This is the reevaluation of this decision, the Board
23 coming out against the per tire subsidies.

24 --o0o--

25 PROFESSOR WASSMER: The contract was granted, our

1 Public Policy Administration Program, back in August. The
2 fall semester was used. We met once a week for three
3 hours. We brought in guest speakers. Many of them are
4 listed in the acknowledgements at the very beginning of
5 the reports. And basically took them through this whole
6 thesis process, with a lot of input from stakeholders, et
7 cetera, with eight students working on it.

8 And I'm pleased to report that as of now six of
9 the eight students have completed their masters thesis.
10 And I'm certain that one of the other ones will complete
11 it also. And the student that will complete it has just
12 run the Democratic nomination for Assemblyman Hertzberg's
13 seat. So you're likely to have somebody in the Assembly
14 who has some knowledge of tire recycling after doing this
15 work.

16 The problem statement, as when you begin a
17 masters thesis or you begin any research, this is what we
18 began with in consultation with Martha. If stock piles
19 and landfills are not considered acceptable
20 alternatives -- so we ruled those out right away -- the
21 supply of scrap tires in California exceeds the uses by
22 about 25 percent.

23 Are there solutions to this problem of excess
24 supply, including subsidies or other end-use incentives
25 which are different than what the California Integrated

1 Waste Management Board is currently pursuing? So that's
2 where we began as a statement, and that was what was given
3 to all the students working on it, and they all decided to
4 work -- and I guided them to work in different areas, and
5 you'll see some of those areas come out as I move on.

6 Also, the constraint we worked within was within
7 \$8 million to \$9 million annual budget that the Board,
8 through, I believe, the five-year plan, has allocated over
9 the next four or five years in regard to spending on
10 market development activities. So any of our proposals we
11 stayed within that constraint. But as you'll see in some
12 of my recommendations, we ask even that it might be
13 reasonable to consider expanding that budget a bit.

14 --o0o--

15 PROFESSOR WASSMER: So in these alternatives that
16 we propose, we explicitly try to look at the benefits and
17 costs of all the alternatives as compared to the status
18 quo alternative, which is what's laid out in the five-year
19 plan. So in the report there is an explicit discussion of
20 what's in the five-year plan and the market development
21 activities that are laid there that fall within this \$8
22 million to \$9 million budget.

23 We use this alternative criteria matrix which
24 you'll see, which is talking about the specific policy
25 alternatives and the criteria that we want to evaluate

1 these policy alternatives on, and then come up with some
2 specific recommendations. And I think you'll see very
3 clearly how we get these recommendations. And that was
4 the goal in this process.

5 This is nothing new. This is taught in a few
6 different versions of public policy textbooks, and it's
7 pretty standard fare for students in a masters of public
8 policy to learn this type of evaluative process to come up
9 with a public policy suggestion.

10 The preliminary report -- and it's always been
11 stressed preliminary -- has no Board stamp of approval
12 anywhere -- is up at my web site, my academic web site.
13 And here's a list of it for anybody in the audience who
14 hasn't seen it and may be interested in taking a look at
15 it.

16 As I understand it now, we are submitting it to
17 the Board as our final version of it and soliciting
18 comments from the Board and awaiting their approval and/or
19 further action on it.

20 The paper -- the report was presented at the
21 Western Regional Tire Recycling Conference back last month
22 at, I believe it was, the very last session of the
23 conference, and generated quite a bit of discussion both
24 at the conference and I believe I received about ten
25 E-mails ranging from one to eight pages long in regard to

1 comment.

2 Board Member Michael Paparian was one of the
3 people who commented on it. And the deadline on those
4 comments were April 12th. So I worked furiously over the
5 weekend to do my best to incorporate the comments into the
6 paper. So we've gone through this public comment session,
7 stakeholder -- industry stakeholder, local government
8 comment, and those have been incorporated into it.

9 Again, we encourage all to read, especially Board
10 members and their staff, and to offer their comments. At
11 this stage, I think we're looking for Board Member and
12 staff member comments to incorporate into the final draft.
13 And probably the easiest way to share that with me is at
14 the E-mail address that's listed up on the screen or in
15 the report.

16 And our hope is to have a final report done some
17 time in the month of May, giving, of course, the Board's
18 approval on this.

19 --o0o--

20 PROFESSOR WASSMER: Reviewing each of the
21 different sections very quickly, this first section in the
22 report talks about waste tires in California, you know,
23 recognizing that two-thirds of the State's scrap tires
24 were going to piles and landfills in 1990, and this
25 fraction has been reduced to one-fourth.

1 And it's clear, you know, us not having any
2 knowledge of this, that it was through the actions of the
3 Board and their market development activities in the past,
4 that this would not have come back without this work that
5 was being done.

6 So, again, as stated in the report, we commend
7 the Board for their actions so far and for moving towards
8 this reduction of scrap tires going to piles and fills,
9 but still recognizing that about a quarter of the tires,
10 using figures from the Waste Management Board reports, are
11 still going to these undesirable uses.

12 As far as revenue to pursue scrap tire
13 activities, the pre-SB 876 was around \$6 million to \$8
14 million annually. This was with the 25-cent fee that was
15 levied on tires. Post-SB 876 looks to be about \$30
16 million-plus annually, with a dollar being levied on all
17 new tires and the addition of being levied on tires coming
18 in on new automobiles, which wasn't the case.

19 In 2006, there will be a one-quarter reduction in
20 this amount because the fee falls down to 75 cents. But
21 the point is that the -- you know, that the Board and the
22 tire fund now has a lot more money to work with. And that
23 was one of the considerations that we took in this report
24 and in one of our recommendations about the \$8 million to
25 \$9 million.

1 The market development activities of the Waste
2 Management Board, you are described in the five-year plan
3 of what they have done in the past and what to do in the
4 future, capital grants, which some of them have been, you
5 know, discussed today already, demonstration projects,
6 market studies, recycling research, workshops and
7 conferences. Noticeably absent has been the use of per
8 tire subsidies, subsidies given to processors who process
9 the tire as opposed to it going to a landfill or a pile.

10 Other states and provinces have these per tire
11 subsidies. And within the report I direct you to look at
12 our very short, one, one-and-a-half page summaries,
13 specifically paying attention to British Columbia,
14 Louisiana, Utah and Virginia, which have some of the most
15 recent programs and some of the most discussed in the
16 country. Many of them pointed to as success stories as
17 cited in the reports.

18 --o0o--

19 PROFESSOR WASSMER: Continuing on with the second
20 section of the report, for the reader we talk about some
21 of the social and environmental issues that surround tire
22 recycling, the ecological values. But myself being an
23 economist, we also emphasize the idea of externalities,
24 that, you know, this is a market that if left alone pretty
25 much is a good representation of a market that fails in

1 the sense that the participants in the market don't
2 consider all the social costs and the social benefits of
3 recycling tires or social costs of not recycling tires, of
4 putting them into landfills or putting them into piles,
5 you know, as best exhibited by the tire fires that
6 California experienced, and the social benefits of burying
7 a resource that could also -- you know, that we end up
8 mining other resources that we use in the same way. I'm
9 referring to using tires as a tire-derived fuel.

10 So, you know, that more theoretical approach is
11 talked about there with a literature review.

12 We also look at the economic environment
13 surrounding scrap tire issues in California. And perhaps
14 it's because I am an economist -- but I think it's more
15 than that -- this really is an economic issue, you know,
16 that these are markets that are working, these are tire
17 transporters that pick up tires from retailers, and they
18 look to dispose of it in the least-cost way for them --
19 right?

20 And the tipping fees and the disposal fees are
21 these market incentives that exist -- these market signals
22 that exist. And these are talked about and described.
23 I'm sure most people here know about them, but more for
24 the general public as a discussion of it.

25 So it's the idea, you know, of it being a market

1 imbalance that's caused by this market failure of there
2 being more supply of scrap tires than there is demand.

3 We also give some background on the crum rubber
4 industry and the technological limitations that they face
5 in regard to high processing fees where they have to
6 actually charge a tipping fee in order to -- you know,
7 instead of paying for an input, you know, they are paid to
8 take an input. And this is one of the market signals out
9 there that a tire transporter will go to a landfill if the
10 tipping fee is less than what the tire processor talks
11 about.

12 TDF users and cement kilns, again, these are some
13 of the things that students chose in regard to study, so
14 there's a little bit more background on that as drawn from
15 their thesis.

16 You know, we also talk about the political
17 environment. We are a public policy program. We realize
18 that the economics does not just exist alone. There is a
19 political environment surrounding this, with stakeholders;
20 and especially in California, with a Board that needs to
21 make decisions on this, and a four-out-of-six agreement
22 that needs to be reached, and the internal and external
23 political forces that the Board faces.

24 So we actually factor these things into some of
25 our recommendations, not wanting to recommend something

1 that would be ideally from an economic perspective but
2 doesn't have any chance of being adopted in the current
3 political environment of California or the decision making
4 that goes on with the Board.

5 --o0o--

6 PROFESSOR WASSMER: The alternatives are talked
7 about in Section 3. Again, we drive these alternatives
8 from this imbalance between market supply and demand,
9 again talking about market failures and some of the
10 economic tools that can be used to try to correct these
11 market failures. So really we're not reinventing the
12 wheel here. This is really just a classic application of
13 what economists and public policy analysts have looked at
14 to try to correct what is a classic market failure.

15 Some of the variables to think about in
16 constructing these alternatives I've already mentioned is
17 this tipping fee, which directs these tire processors to
18 take these tires to where they can dispose of them in the
19 least expensive manner; the landfill disposal rules,
20 right, an easy way to stop tires from going into landfills
21 is to ban them from landfills, and other states have taken
22 this approach. This is not the approach that California
23 has taken, and perhaps that's part of the political
24 environment that we talked about in regard to pressures
25 from the solid waste management people to not do this.

1 I already talked about the technical limitations
2 of processors in regard to the expense of the equipment
3 and the maintenance costs and the sharpening of the knives
4 and such. There's some issues in regard to public
5 perception on TDF burn. And there's transportation costs
6 for tire transporters. One of the reasons why tires go
7 into landfills in rural areas is because of the expense of
8 driving it to processors versus cement kilns or to
9 cogeneration plants that are far away. And this has got
10 to be factored into the tire transporters' decisions.

11 --o0o--

12 PROFESSOR WASSMER: So the policy alternatives
13 that we finally come up with, again it was a group
14 decision in regard to consultation with the experts that
15 came in are, you know, the baseline of maintaining the
16 status quo; further regulating landfill disposal; a
17 per-tire subsidy to waste tire processors; a per-tire
18 subsidy to end users of waste tires; further subsidizing
19 capital purchase similar to, you know, an extension of the
20 Capital Grants Program that the Board is already using; a
21 per-mile, per-tire subsidy for in-state transportation of
22 scrap tires, so this would help tire transporters who have
23 to drive tires long distances to bring them to a tire
24 processor, give them a per-mile, per-tire subsidy; or
25 further informational campaigns, you know, as perhaps

1 exemplified with this issue of tire-derived fuel, as a few
2 of my students looked into.

3 There are cement kilns already in this State that
4 are licensed right now to burn cement tires and probably
5 could absorb the six to eight million tires that are going
6 into landfills. Or they choose not to burn them because
7 of public pressure, neighborhood pressure, and the fear of
8 perhaps losing their license altogether. So some
9 informational campaigns along those lines, and
10 informational campaigns in terms of marketing recycled
11 products, et cetera, the details which are, you know,
12 listed and it will come as soon as you come along.

13 --o0o--

14 PROFESSOR WASSMER: So, as I mentioned before,
15 the Section 4 then talks about how do you look at these
16 different alternatives -- these six different
17 alternatives, not the status quo but these six new
18 different alternatives -- how are you going to evaluate
19 them.

20 Well, we come up with, I believe, six different
21 criteria or six different criterion that make up the
22 criteria for evaluating them and we weight this criteria.
23 I'm sorry, there's five different criteria. And if those
24 criteria were all weighted equally, they would -- you
25 know, they would be one-fifth of the entire pie of

1 evaluation, or 20 percent each.

2 But we don't feel in our minds that they should
3 all be weighted equally, so we put a weight on the
4 criterion. It just so happens that the first criterion,
5 efficiency, or bang for the buck, how much money you
6 spend, how much tires get recycled, we weight that at 20
7 percent. So that would be like if all of them were
8 weighted equally.

9 The second criterion is equity, concern for the
10 effects that this policy will have on economic actors both
11 before and after, with the exception of realizing that
12 landfill operators are likely to be hurt by this type of
13 policy because we are explicitly trying to pull tires out
14 of landfills, and it offers a revenue source for them.
15 But we don't weigh this as high, right, this criterion we
16 only weigh at 10 percent.

17 This is part of the transparency of this
18 evaluation, that if the Board or other people don't agree
19 with our weighting of these criteria, different ones could
20 be substituted and you could easily work through our
21 entire process and come up with some different
22 recommendations or find out how much different, if you did
23 weight them, our recommendations would be from these
24 different weights.

25 So sustainability is something that was mentioned

1 that goes all the way back to the initial report
2 recommending against per-tire subsidies, the concern that
3 once they're removed, it's not -- you know, the processing
4 is not sustainable. So we weighted that at 25 percent,
5 which is higher than of equal weighting.

6 And, by the way, these weights were derived from
7 the five different students who had completed their thesis
8 at all applied weights; I took the median or the middle
9 weight that had been assigned among those five, and that's
10 the one that I used. And there was some variations. Some
11 students felt that these other ones should be more
12 important. There's definitely a value judgment here. But
13 sustainability is basically that this beneficial impact,
14 tires out of landfills, continues after the intervention
15 would go away. In the example of per-tire subsidies, if
16 you took them away, would there be a well-developed market
17 for these tires?

18 --o0o--

19 PROFESSOR WASSMER: "D" was political and legal
20 feasibility. The students evaluated this to be quite
21 high. They weighted this at 30 percent. You know, why
22 propose something if it's not going to fly politically, if
23 the Board is not going to be likely to support it. And
24 admittedly this was just based upon our guesses on this
25 would happen. And we were also concerned about something

1 that would also require legislative action that the Board
2 could only lobby for or find a legislator to sponsor. So
3 we weighted things if it was -- could be directly
4 implemented by the Board as a stronger policy alternative.

5 The final one is administration and
6 improvability. How much does it cost to administrate --
7 to put this in place and then to administrate it once it
8 was in place? And then also we combine this with
9 improvability. You know, once something is put in place,
10 how easy is it to improve it?

11 For instance, a per-tire subsidy, if it was set
12 at 20 cents per tire, you know, could be changed to 25
13 cents six months later or it could be changed to 15 cents
14 six months later. It's easy to improve upon if you got
15 the 20 cents wrong, you know, as being the correct
16 subsidy.

17 Perhaps a capital subsidy isn't so easy to
18 improve on. You know, once you commit to a company to
19 buying equipment, they have that equipment for five, ten
20 years, 20 years, and the sum cost of committing that
21 \$250,000 is gone. So that's what I mean by improvability.

22 Oops, that's not what I wanted. I've got to go
23 back to my -- there we go.

24 So we use this qualitative and a quantitative
25 alternative criteria majors. I'll show you an example.

1 The qualitative is a descriptive approach to this, and the
2 quantitative is an attempt to actually assign some
3 numbers. So we can evaluate these different alternatives
4 based upon a numeric ranking. And I have an example
5 you'll see that will make it clear when we get to Chapter
6 5.

7 --o0o--

8 PROFESSOR WASSMER: So Chapter 5 looks at these
9 six policy alternatives and talks about some of the
10 specifics of what we mean by landfill regulation.
11 Originally, in our first draft -- this is the benefit of
12 bringing it before the Western Tire Recycling people -- we
13 talked about an 8-inch processing chip, you know, that
14 requiring landfills to process tires to an 8-inch chip.
15 The industry reps, the experts there said that would not
16 cost much to do that.

17 That you need to go down to about a
18 two-and-a-half inch chip in order to make a difference
19 to -- you know, if you want to put a tire -- not outright
20 banning it, but if you want to put a tire into a landfill,
21 you have to chop it down into a two-and-a-half inch chip.
22 Well, that's going to entail some processing costs at
23 landfills that's going to be passed on in the form of
24 higher tipping fees, and that's going to dissuade tire
25 transporters from taking it there.

1 You know, another alternative would be to -- you
2 know, just to ban them outright, but for political
3 reasons, as you can see in the analysis, we didn't think
4 that that was something that the people of California or
5 even the Board was ready to vote on.

6 So this analysis, as I said -- and I'm very
7 clear -- there's value judgments throughout this, as you
8 realize in making your type of decisions on this. But we
9 use a very transparent method on what our value judgments
10 are, that is easily altered if you disagree on our
11 assessments and the resulting conclusions. So that's what
12 I would encourage the Board, perhaps to use this process
13 as a tool even in a closed session. If this really does
14 become serious, talking about per-tire subsidies,
15 there's -- this process is very helpful in regard to
16 structuring a decision and thinking about, you know,
17 what's guiding you in a certain direction.

18 --oOo--

19 Here's a table that's taken right out of the
20 report, Table 8. And this just refers to the first
21 alternative besides the status quo, which is further
22 regulation of landfill disposal.

23 And as you can see, it says a maximum 8-inch
24 chip. Maybe you can't see way back in the back. But it
25 says, you know, this requires that all tire material

1 placed in California landfills be processed to a maximum
2 8-inch chip.

3 As I understand now, the regulation is that it
4 needs to be processed in some way, right? Cut in half --
5 this is as Martha explained to me. She could go into more
6 detail. But here we're talking about an 8-inch chip.
7 Again, the industry people said that wouldn't cost enough,
8 that wouldn't make the difference. You'd probably have to
9 go down with what -- I think they called it a Barclay
10 Shredder, these new shredders, that they can shred to a
11 4-inch chip in one pass and only cost about 10 cents a
12 tire to do that. If you want to get serious, you've got
13 to get down to about a 2-inch, 2-and-a-half inch chip and
14 get at least two passes, and then it would add about a 20
15 cents to 30 cents per tire, you know.

16 And then what would the landfill operator do?
17 Well, if they have to do that, they'd pass it on to a
18 higher tipping fee. And through the people we've talked
19 about that, that can make a difference in regard to
20 directing tires to -- processors to take them to
21 process -- jockeys -- tire transporters who take them to
22 processors as opposed to -- it's scary how I know this
23 lingo after only six months.

24 But -- so this is just -- I'm not going to read
25 it, but you can take a look at this. This talks about our

1 thinking in regard to how this alternative satisfies the
2 efficiency criterion, how it satisfies the equity
3 criterion, sustainability, political legal feasibility,
4 and administration and improvability. So there's our
5 reasoning right there in regard to that. And this is done
6 for all of the six different proposals.

7 --o0o--

8 PROFESSOR WASSMER: But what you can see in just
9 one chart is, then we take that more qualitative approach
10 to it, and we assign some numbers to it. You know, "1"
11 being very weak, "5" being very strong, use that entire
12 scale.

13 And how does landfill disposal -- further
14 regulation of landfill disposal satisfy the efficiency
15 criteria? Well, again, you can go back and look at our
16 actual writing to see how we came up with that number.
17 But we give that a "5", right? If you ban tires from
18 landfills, you get a big bang for your buck, right? Tires
19 don't go into landfills anymore. They're banned, right?

20 From an equity consideration, we rate that
21 slightly lower, way down on a factor of "2". From
22 sustainability we give it a "1", very poor, right? Once
23 you take the landfill regulation off, it's not
24 sustainable; they go back to landfills. So you can see
25 the thought process that we're using.

1 Political and legal feasibility, we -- again,
2 this is the students who are discussing this. We rate
3 that as a "Number 1", very low in that regard.

4 So it's very high from an efficiency standpoint
5 of not spending much money getting tires out of landfills;
6 but for these other reasons, it doesn't come up very good.

7 It's also very high in regard to administration,
8 right? Other than some enforcement that, once you ban
9 them -- it doesn't cost all that much to enforce, other
10 than I would guess with some inspections in making sure
11 that it's happening.

12 So, you know, the total score that has come up by
13 taking a rating, multiplying it times those weights,
14 coming up with that total number, and then adding them all
15 up, and then you can get some idea in regard to how those
16 six different alternatives fare based upon these five
17 different criterion, right? And that's where there's room
18 for some discussion in regard to that. And you can see
19 that our per-tire subsidies come out -- the per-tire
20 subsidies to waste tire processors in our evaluation come
21 out with the highest ranking.

22 Now, there's not much difference -- there's not a
23 lot of difference, with the exception of perhaps per-mile,
24 per-tire subsidies coming out very low, but there's, you
25 know, per-mile -- per-tire subsidies to processors,

1 per-tire subsidies to end users, information campaigns all
2 come out to be quite similar. And actually that's what
3 drives our final recommendations, are these very similar
4 rankings that come out in these three areas.

5 --o0o--

6 PROFESSOR WASSMER: Okay. The recommendations.
7 This is just a repeat of the numbers that were given in
8 that previous chart.

9 --o0o--

10 PROFESSOR WASSMER: But Recommendation Number 1
11 -- and there is an executive summary that's available
12 that, you know, that's only four or five pages that
13 summarizes all this that's at the very beginning of the
14 report.

15 The requirement that scrap tires be processed to
16 at least a two-and-a-half-inch chip before landfill
17 disposal, we propose that that be tabled until end uses
18 for scrap tires are further developed. We don't think
19 that that is actually a good idea to put that in place.
20 Kind of putting the cart before the horse.

21 If you ban them from landfills, you're going to
22 even create a greater supply of these scrap tires that
23 need to go to processors, and processors don't have the
24 ability to absorb them. Hence, you have the age old
25 problem of tire transporters just trying to dispose of

1 them in the least expensive way possible, which would be
2 illegal disposal.

3 Now, we also recommend, though, that the Board
4 come back perhaps in three or four years if they adopt
5 per-tire subsidies or if they adopt some of these other
6 more aggressive market activities, and come back and think
7 about this, processing or perhaps even an outright ban.

8 Being an economist and respecting markets and
9 respecting the ability of business people to make
10 decisions, I always prefer to put a tax in place as
11 opposed to a ban. And I think business people -- you
12 know, you can put landfills -- you can put tires into
13 landfills as long as you process them.

14 And especially for rural landfill operators, they
15 may choose to process them -- I mean -- or they still may
16 receive customers because the cost of the transportation
17 to a city area would be too expensive and it would still
18 have this option of being put into rural landfills. And
19 in some sense that may be socially optimal, to still allow
20 them into rural landfills where there is no big markets
21 for alternative uses.

22 Recommendation Number 2 is that the Board begin
23 some form of per-tire reimbursement program. Basically,
24 on the budget constraint that was given us and the
25 consideration that there's going to be about 30 million

1 tires in California that need this subsidy, we recommend
2 17 cents, right? The math would be \$5.1 million. And
3 that still would stay within the market development
4 activities.

5 Some of our experts who looked at this said it
6 should just be 10 cents. And there are some states that
7 have adopted 20 cents. So that might be a nicer, rounder
8 figure. And the higher that you can get it, you know, the
9 more incentive to take them out of landfills.

10 We recommend this slightly above the
11 providing contract. And this also -- as you can read in
12 the details of the report, this should only be done
13 providing that those processors have contracts; or even
14 better than contracts -- I haven't updated here, but I've
15 updated in the report -- is that they've actually
16 delivered the product to end users. This is a problem
17 that Texas had. They put a per-tire subsidy in place,
18 processors processed the tire turned into crum rubber, and
19 they just piled the crumb rubber in their back forty,
20 right?

21 The whole -- the idea is not to just process.
22 The idea is to get it to end users. So they need to show
23 delivery to end users. And as I've been discussing with
24 Martha, with the manifest system that's being developed,
25 this could be possible.

1 --o0o--

2 PROFESSOR WASSMER: Another alternative is to
3 give a subsidy directly to end users, you know, not to
4 give it to processors. But the economics of it works out
5 about the same. The distinction here might be that you
6 could give different end users based upon some social
7 hierarchy amounts of a subsidy. And that would be
8 something that the Board may want to consider.

9 Remember, in our overall rankings, they didn't
10 turn out to be that different, whether you get the subsidy
11 to end users or whether you get the subsidy to processors.
12 I think the biggest difference was in the administrative
13 costs. The administration would be slightly different.
14 But you do buy the advantage of you could possibly give
15 out different subsidies for different types of end users.
16 And this is that whole social hierarchy of whether you
17 want to encourage one type of recycled rubber use as
18 opposed to another. And, again, that's more of a
19 political decision that needs to be discussed in that
20 realm.

21 --o0o--

22 PROFESSOR WASSMER: Recommendation Number 3 is:
23 Continuing the funding of the capital subsidies, with a
24 slight increase, especially -- you know, these
25 recommendations are all geared to be implemented at the

1 same time. Especially if there truly are these subsidies
2 and we're trying to grow these processor markets, there's
3 probably going to be a greater need than has been
4 exhibited in the past, as I've had some discussions with
5 Martha about the need for these capital subsidies -- these
6 subsidies and the ability to get quality proposals.

7 So we recommend funding these at about \$2 million
8 annually. That would be at \$250,000 maximum. There's
9 some discussion about raising these in some instances to a
10 half million dollars. That could be a possibility, but
11 that would -- you know, and with some requirement again,
12 perhaps more strictly enforced than has been done in the
13 past, that these machines actually process tires, right?

14 And initially the -- it's not a grant, but it's
15 given as a loan. And the loan is only forgiven after the
16 processing of tires has been exhibited. And perhaps it
17 should be processing of tires and the delivery of these
18 tires to the end user. So you don't just process tires
19 and pile up crum rubber, again, in the back lot.

20 Recommendation Number 4 -- again, this comes out
21 of that criterion alternative matrix -- is spending a
22 million dollars on new information campaigns, talking
23 about further use of tire-derived fuel, overcoming perhaps
24 some of these informational asymmetries in regard to what
25 the industry and what federal EPA believes in regard are

1 the benefits of using TDF and what some of the public
2 believes, encouraging the further use of crum rubber in
3 general, and specifically the further use of crum rubber
4 for rubberized asphalt. And some of the input that we
5 received after the Western Tire Fire is the need also for
6 some of these end-use producers -- there was a company
7 called Rubberized Sidewalks that contacted me, that they
8 are really in need of good marketing advice, you know,
9 not -- and that the Board could really help in perhaps
10 hiring a marketing expert that would be available for some
11 of these end users. That could fall into this purvey of
12 information campaigns also.

13 But, you know, a lot of the other stuff was
14 talking -- you know, the Recommendations 1 through 3 are
15 looking at the supply side. This is looking at the demand
16 side and increasing the demand for the processed tires.

17 An informal recommendation, kind of stepping out
18 what was originally our boundaries, but considering --
19 thinking the Board should perhaps consider spending more
20 than the 8 to 9 million dollars a year that was laid out
21 in the five-year plan. And if more money is going to be
22 spent, again we would suggest allocating the additional
23 dollars in the same type of division that we've made in
24 our first four recommendations.

25 You know, by some estimates, you know, this is

1 going to be a lot of money for the Board -- that the Board
2 has to pursue this. And I would think that people paying
3 this dollar would like to see this money is actually being
4 spent on activities that encourage tire recycling.

5 Again, 30 to 34 million dollars; and 8 to 9
6 million dollars is what we saw as being proposed for these
7 market development activities. And also considering that
8 the scrap tire problem will slowly go down and not as much
9 money will have to be devoted to tire cleanup.

10 Again, throughout we stress the flexibility of
11 implementing these suggestions and the need, if they are
12 to be considered and implemented, for constant monitoring
13 and constant revisiting the issue, you know, setting a
14 tire subsidy at some -- and this was echoed by the tire
15 experts that we've talked to throughout the country, that
16 it's just not something you set and forget about. You
17 know, it's expensive to administer, but the per-tire
18 subsidy is something that can be jockeyed around with by
19 changing the amount, more or less -- if more or less tires
20 are being generated and what would be needed.

21 A final point I want to make is, again,
22 throughout the report, and again having no knowledge of
23 this before beginning this, commending the Board,
24 commending the agency for what they've done in the last 10
25 years; but, you know, there's this idea of diminishing

1 marginal productivity or, you know, the more that you go
2 after something, the harder it is to get the next thing.
3 You know, and what the Board has done is they've
4 effectively gotten, you know, 75 percent of the tires out
5 of landfills. This next 25 percent, as Martha I think
6 will reiterate, is going to be the most difficult thing to
7 do; and our evaluation is that it's going to probably
8 require something radical such as a per-tire subsidy.

9 Thank you for your time and consideration.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you very
11 much for the very informative report.

12 Are there any questions before we take a break?
13 I know our court reporter probably needs one.

14 Mr. Paparian.

15 BOARD MEMBER PAPARIAN: My -- and I've had the
16 advantage of reading this report. It's a very impressive
17 work. But one of the fundamental questions that I have --
18 and this is more for our legal staff. Part of the premise
19 of the report is that the use of scrap tires as fuel is
20 recycling. And I have a question about, from a legal
21 basis, can we consider incineration recycling, or should
22 we consider it something else.

23 CHAIRPERSON MOULTON-PATTERSON: Mr. Block.

24 STAFF COUNSEL BLOCK: Elliot Block with the Legal
25 Office.

1 That's a relatively difficult question to ask,
2 because it gets very complicated. It depends on exactly
3 how individual jurisdictions have accounted or not
4 accounted for tires. Obviously, if tires are used at a
5 waste-to-energy facility that the Board permits, the three
6 transformation facilities, it would not be recycling
7 because it counts as part of the measured waste stream.

8 However, if they're sent to a cement kiln, for
9 instance, that we don't permit, it would not count as
10 disposal. Whether or not it results in counting as
11 diversion would depend on whether the particular
12 jurisdiction had included that in its original base year,
13 the types of complications that we've been dealing with in
14 terms of counting diversion. That's a strictly legal
15 answer.

16 I mean, there's a separate question, sort of a
17 policy question, which I'm not sure that you're asking me
18 that question. But in terms of how it would count in
19 terms of meeting 50 percent, it's going to depend on
20 particularly where it's going and where it came from.

21 BOARD MEMBER PAPARIAN: Okay. So in terms of
22 using TDF in a permitted facility, it wouldn't be
23 recycling?

24 STAFF COUNSEL BLOCK: That's correct.

25 BOARD MEMBER PAPARIAN: Okay. That's where I

1 have a little problem with some of the terminology and the
2 title of the report and in a couple places through the
3 report. And that was one of the comments I provided to
4 Professor Wassmer.

5 PROFESSOR WASSMER: I actually changed -- I added
6 your comments in there, you know, and did cite the Public
7 Resources Code that you mentioned and said that it was
8 still up to the bay. But we are going to -- our report
9 assumes that tire-derived fuel is recycling, and that's
10 where we're going to continue with that. But I did note
11 your concern, and it's a valid one.

12 BOARD MEMBER PAPARIAN: Yeah. And from a legal
13 basis I question whether, in fact, the use of tires as
14 tire-derived fuel is, in fact, recycling. We've got a
15 hierarchy of source reduction, recycling, transformation
16 and land disposal. And if you look at the laws related to
17 tires, there seems to be a separation between land
18 disposal of whole tires and land disposal of non-whole
19 tires, with land disposal of whole tires being somehow as
20 the bottom, bottom of the hierarchy.

21 You're shaking your head, Martha.

22 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

23 It's not allowed. It's not just part -- not in
24 the hierarchy, it's not even in there. It's not allowed.

25 BOARD MEMBER PAPARIAN: Right. So if you look at

1 PRC 42-861(a), it says the problem posed by used tire
2 storage and disposal requires a comprehensive statewide
3 response including, but not limited to, reducing landfill
4 disposal of used whole tires. The law doesn't really
5 refer to reducing the land disposal of non-whole tires,
6 but it does put land disposal at the bottom of the
7 hierarchy. What I'm saying is presumably with this
8 language, land disposal of the whole tire is somehow in
9 the law worse than land disposal of non-whole tires.

10 BOARD MEMBER JONES: It is.

11 BOARD MEMBER PAPARIAN: Right. But in terms of
12 recycling, I don't see the use of tires as fuel part of
13 the recycling mix.

14 BOARD MEMBER JONES: Let me ask a question
15 though. Under the 10 percent rule, material that goes to
16 even the permitted facility get a 10-percent credit
17 towards recycling. All the garbage that goes to Long
18 Beach there is 10 percent that is allocated of that mass
19 as recycling credit towards AB 939.

20 So I think it's just a semantics deal, because
21 under our existing law, if there were -- I mean, you would
22 get 10 percent, right? For everything that goes to Long
23 Beach, you get a recycling credit, not of 100 percent of
24 what went to the facility, but 10 percent.

25 BOARD MEMBER PAPARIAN: But it's not called

1 recycling. It's called --

2 BOARD MEMBER JONES: It's diversion credit.

3 BOARD MEMBER PAPARIAN -- transformation, isn't
4 it?

5 STAFF COUNSEL BLOCK: It can count towards
6 meeting the 50-percent diversion requirement. But, again,
7 then you get into some of the other complications that I
8 mentioned, which is if that material was not part of the
9 original base year --

10 BOARD MEMBER PAPARIAN: Yeah, but then it's
11 diversion. It's not recycling; it's diversion.

12 BOARD MEMBER JONES: Well, that's -- okay. What
13 is -- okay. Never mind.

14 CHAIRPERSON MOULTON-PATTERSON: Any other short
15 questions before we take a break?

16 Okay. We'll take a 10-minute break. And thank
17 you very much for the report.

18 PROFESSOR WASSMER: Thank you.

19 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
20 Are we done with the item?

21 (Thereupon a brief recess was taken.)

22 CHAIRPERSON MOULTON-PATTERSON: I'd like to get
23 started again.

24 Does anyone have any ex partes to declare?

25 BOARD MEMBER EATON: No, Madam Chair. After

1 today, I don't think anyone was talking to me.

2 CHAIRPERSON MOULTON-PATTERSON: I have none.

3 Mr. Paparian.

4 BOARD MEMBER JONES: I have none.

5 BOARD MEMBER PAPARIAN: Madam Chair, I don't have
6 an ex parte.

7 But I do -- I felt we left a little hanging that
8 last discussion about whether incineration can be
9 recycling. And I'd like to ask the legal staff -- and
10 I'll work with the legal staff to help -- elaborate on
11 what is -- you know, what is or is not considered
12 recycling under the law.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. And you'll
14 get back to us?

15 BOARD MEMBER PAPARIAN: Yes.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you.

17 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
18 Could I seek further clarification? Is the Board's desire
19 to present comments in a public session and we should
20 reschedule this report for a hearing; or are you going to
21 be submitting comments, if any, in writing? What is the
22 pleasure?

23 BOARD MEMBER PAPARIAN: Let me ask, is the report
24 going to have my name on it at some point?

25 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

1 It would be published as accepted by the Waste Management
2 Board and include the name of all the Board members.

3 BOARD MEMBER PAPARIAN: Okay. I'd like to have
4 this clarified. And I'd like to have a chance to look
5 through the report before I have my name on it. So I
6 don't know what process you want to follow, but --

7 CHAIRPERSON MOULTON-PATTERSON: So bring it back?

8 BOARD MEMBER JONES: Madam Chair?

9 CHAIRPERSON MOULTON-PATTERSON: Yes.

10 BOARD MEMBER JONES: Could I suggest that we --
11 that if there's comments, that comments go into staff or
12 to the authors of this and then it come back to committee;
13 and then after the Committee, it will come to the Board
14 for acceptance.

15 CHAIRPERSON MOULTON-PATTERSON: That sounds good.

16 BOARD MEMBER JONES: Does that work, Ms. Gildart?

17 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
18 (Nods affirmatively).

19 BOARD MEMBER PAPARIAN: And if it relates to --
20 yeah, I'm not on that committee, so I'd like to be -- for
21 that discussion, I'd like to be part of that discussion.

22 BOARD MEMBER JONES: Sure. But I think that
23 we're probably going to have to look at it for not May,
24 but June, come back to the June committee.

25 BOARD MEMBER PAPARIAN: We may also want to

1 discuss, at that point, you know, the recommendations --
2 there are some serious recommendations about establishing
3 a PR campaign and so forth. Whether that's something we
4 want to do and whether we want to pursue subsidies or the
5 other things that are mentioned in the report.

6 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

7 For my colleagues, we do have a closed session
8 scheduled today after the meeting. And I want to do this
9 closed session this month. We could do it tomorrow after
10 lunch.

11 What's your pleasure?

12 I want to keep it after -- this could go awhile,
13 because we have quite a few more items.

14 BOARD MEMBER EATON: What was your intention, to
15 move through the rest of the agenda today.

16 CHAIRPERSON MOULTON-PATTERSON: Well, the ones
17 that are scheduled for today and -- let's see, which ones
18 could we take off?

19 BOARD MEMBER EATON: How far are we going to go?

20 CHAIRPERSON MOULTON-PATTERSON: To 33.

21 DEPUTY DIRECTOR WOHL: Madam Chair?

22 CHAIRPERSON MOULTON-PATTERSON: Yes.

23 DEPUTY DIRECTOR WOHL: Patty Wohl.

24 I was maybe going to recommend that 31, the
25 discussion of the threats to the organic materials --

1 that's approximately 20 minutes long for staff, and that
2 doesn't include Board participation in that, so I didn't
3 know if you wanted to hold that over till tomorrow.

4 CHAIRPERSON MOULTON-PATTERSON: I think we could
5 do that, unless there's anyone here that cannot be back
6 tomorrow that came specifically for Item 31.

7 Is there anybody here for that?

8 Okay. Let's do that.

9 Okay. Now, I'd like to go through what we had
10 scheduled, with that exception.

11 BOARD MEMBER EATON: The other thing, with the
12 closed session -- I understand we're going to be back here
13 next week.

14 CHAIRPERSON MOULTON-PATTERSON: That's true,
15 yeah.

16 BOARD MEMBER EATON: So if you do run into that,
17 that would be something that could either be -- I don't
18 know when that hearing is, but we could either schedule it
19 before or after, so that gives you an added flexibility in
20 terms of being able to get through the agenda. And I know
21 tomorrow's going to -- probably we've got a few items it
22 looks like -- I'm sure there will be some speaker slips on
23 as well. So that would be an additional --

24 CHAIRPERSON MOULTON-PATTERSON: At this time,
25 does everybody intend to be here -- can everybody be here

1 on the 23rd?

2 BOARD MEMBER ROBERTI: 23rd?

3 CHAIRPERSON MOULTON-PATTERSON: We have our
4 special hearing.

5 BOARD MEMBER MEDINA: I will be here.

6 CHAIRPERSON MOULTON-PATTERSON: Senator?

7 BOARD MEMBER ROBERTI: What day is that?

8 CHAIRPERSON MOULTON-PATTERSON: Tuesday.

9 BOARD MEMBER EATON: Lunch with the ALJ.

10 BOARD MEMBER ROBERTI: I'll be here.

11 CHAIRPERSON MOULTON-PATTERSON: Okay. Because
12 I'd like to have a full board for that.

13 BOARD MEMBER ROBERTI: I'm told I'm going to be
14 here.

15 CHAIRPERSON MOULTON-PATTERSON: We can pick and
16 choose and do what we need to tomorrow. And then we will
17 have that extra time for any other items that staff has.

18 Is there anything that we absolutely have to hear
19 tomorrow, Kathryn, in closed -- Ms. Tobias, in closed
20 session?

21 CHIEF COUNSEL TOBIAS: I think that could move.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. Hopefully,
23 we'll be able to work it out tomorrow. It's been a long
24 day, I know, and I just don't think I would be giving it
25 my best attention.

1 So we'll go on to 24.

2 BOARD MEMBER PAPARIAN: I'm sorry, Madam Chair.

3 You lost my attention there at the very end.

4 CHAIRPERSON MOULTON-PATTERSON: We're not having
5 a closed session today.

6 BOARD MEMBER PAPARIAN: We're not having closed
7 session today. We're planning to have one tomorrow?

8 CHAIRPERSON MOULTON-PATTERSON: Tomorrow. And
9 we'll see where we go. And we'll have the added option of
10 the 23rd. But, you know, I hope to get it all done
11 tomorrow.

12 BOARD MEMBER PAPARIAN: Okay.

13 CHAIRPERSON MOULTON-PATTERSON: All right.

14 MS. WILLD-WAGNER: Item 24, Madam Chair. This is
15 Shirley Willd-Wagner once again.

16 And Item 23, it was on consent.

17 Twenty-four is the consideration of Santa Clara
18 County as the Contractor for the Best Management Practices
19 For Electronic Waste Contract, Fiscal Year 2001/02,
20 Contract Concept Number 15.

21 This item was also heard by the Committee last
22 week, recommended for full-board approval.

23 Contractor profile was provided both at the
24 Committee meeting and also E-mailed to all the Board
25 members and staff. If you have any questions at this

1 time, otherwise the resolution is to approve the Santa
2 Clara County as contractor.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you.

4 Any questions?

5 BOARD MEMBER JONES: Madam Chair?

6 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

7 BOARD MEMBER JONES: I'll move adoption of
8 Resolution 2002-117 revised, consideration of the County
9 of Santa Clara as contractor for the Best Management
10 Practices For Electronic Waste Contract, Contract Concept
11 Number 15, in the amount of \$69,000.

12 BOARD MEMBER MEDINA: Second.

13 CHAIRPERSON MOULTON-PATTERSON: A motion by Mr.
14 Jones, seconded by Mr. Medina, to approve Resolution
15 2002-11 revised.

16 Please call the roll.

17 SECRETARY VILLA: Eaton?

18 BOARD MEMBER EATON: Aye.

19 SECRETARY VILLA: Jones?

20 BOARD MEMBER JONES: Aye.

21 SECRETARY VILLA: Medina?

22 BOARD MEMBER MEDINA: Aye.

23 SECRETARY VILLA: Paparian?

24 BOARD MEMBER PAPARIAN: Aye.

25 SECRETARY VILLA: Roberti?

1 BOARD MEMBER ROBERTI: Aye.

2 SECRETARY VILLA: Moulton-Patterson?

3 CHAIRPERSON MOULTON-PATTERSON: Aye.

4 And the next three items, 25, 26, 27, have been
5 approved on consent.

6 Let's go to Ms. Wohl and 28.

7 DEPUTY DIRECTOR WOHL: Agenda Item 28 is:

8 Consideration of State Controller's Office as Contractor
9 for Compliance Audits of Certifications for the State
10 Agency Buy Recycled Campaign, the Recycled-Content
11 Newsprint Program, the Plastic Trash Bag Program, and the
12 Rigid Plastic Packaging Container Program, Fiscal Year
13 2001/2002, Contract Concept Number 16. This one was also
14 heard in committee and got a 4-0 vote. And basically it
15 is for \$100,000 to do audits in those 4 programs.

16 And we do have a representative, Jim Spano, from
17 the State Controller's Office, if you have any questions.
18 But if not, staff recommends the adoption of Resolution
19 2002-174.

20 MR. JONES: Madam Chair?

21 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

22 BOARD MEMBER JONES: I'll move adoption of
23 Resolution 2002-174, consideration of the State
24 Controller's Office as a Contractor for Compliance Audits
25 of Certification for The State Agency Buy-Recycled

1 Campaign, the Recycled-content Newsprint Program, the
2 Plastic Trash Bag Program, and the Rigid Plastic Packaging
3 Container Program, Fiscal Year 2001/02, Contract Concept
4 Number 16, for the amount of \$100,000.

5 BOARD MEMBER MEDINA: Second the resolution.

6 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
7 motion by Mr. Jones, seconded by Mr. Medina.

8 Please -- is this one we can substitute the
9 previous role call or is --

10 MR. JONES: Works for me.

11 CHAIRPERSON MOULTON-PATTERSON: Okay. Substitute
12 the previous role call, without objection.

13 Twenty-nine.

14 DEPUTY DIRECTOR WOHL: Agenda Item 29,
15 Consideration of Contractors for the Green Building
16 Contracts with Local Government and State Agencies, Fiscal
17 Year 2001/2002, Contract Concept Number 24.

18 And at the Committee meeting Mr. Eaton asked some
19 questions. We provided a list of the five contractors
20 that we'd like the Board to approve. And we gave a
21 description of the total amount. And Mr. Eaton wanted
22 some information on the funds that would be allocated
23 toward the tire fund. So staff is prepared to discuss
24 that. And I'd like to introduce Tom Estes and Kristen
25 McDonald.

1 MR. ESTES: Good afternoon. Tom Estes.

2 Following up on Board Member Eaton's question:

3 Of the \$250,000 tire allocation that was combined with the
4 IWMA for these sustainable building contract concepts or
5 contracts that went out, we went back and were able to
6 either tell from the proposal or actually call the
7 proponent and were able to determine that 161,000 was
8 directly attributable to tire related products and design
9 and things of that nature.

10 We also took a look at what our project
11 management costs were. And since those are being totally
12 funded from IWMA, we subtracted 35,000 from that as well.

13 So I think the question really boiled down to,
14 did we have enough tire funds covered, because we also
15 have a \$130,000 back out. We reissued the RFP to get in
16 some other proposals before our June cutoff.

17 So as you can see from your chart, we have
18 \$54,000 in tire fund remaining, and that's coupled with an
19 integrated waste management complement of 76,000.

20 And so Kristen will present the five that we're
21 recommending for funding today. And ideally by June we
22 will have some additional proposals in that we can bring
23 back for your consideration for the remainder.

24 Do you have any questions on this piece?

25 CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

1 BOARD MEMBER EATON: No, they answered my
2 questions and they got back and that they were able to
3 work within the confines. And actually the 35K is
4 actually 35 out of 70,000.

5 MR. ESTES: That's correct.

6 BOARD MEMBER EATON: So it's just management
7 costs of which were split 50/50, which gets you where you
8 need to be.

9 MR. ESTES: That's right.

10 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
11 Mr. Eaton.

12 MR. ESTES: I'll turn this over to Kristen
13 McDonald.

14 MS. McDONALD: Good afternoon, Madam Chair, Board
15 Members. Kristen McDonald.

16 We received 13 proposals for this RFP. One was
17 disqualified because it was an ineligible entity. Twelve
18 were scored; 5 proposals met or exceeded the minimum
19 scoring requirement of 70 percent, and staff is
20 recommending all 5 of those for funding.

21 Those 5 contractors are Sonoma County in the
22 amount of \$74,903. The project will incorporate several
23 sustainable building components, apply the lead rating
24 system to a new county administration building, and pay
25 for materials purchased to implement the lead design.

1 They'll publicize the opening of the new lead rated
2 administration building and the construction of a display
3 exhibit and web page.

4 The City of Los Angeles is requesting \$74,940.40.
5 This project will consist of purchasing recycled content
6 products to be used in a design and specifications of
7 three new construction projects. Educational tools will
8 be developed for each of the projects to highlight the
9 benefits of using recycled content products and green
10 building techniques.

11 County of Marin, in the amount of \$75,000. This
12 project proposal will create a green building program,
13 prepare and adopt a construction demolition ordinance,
14 install a rubber sidewalk demonstration project in a low
15 income community, and expand the green building program to
16 surrounding cities within the county.

17 Inland Empire Utilities is requesting \$75,000.
18 This project will incorporate waste tires and recycled
19 content materials in their new sustainable building
20 headquarters in the City of Chino.

21 Some of the products that will be used are
22 recycled tile, carpet, counter tops; the waste tires will
23 be used in car stops, picnic benches and tables.

24 The City of San Bruno is requesting \$70,044.60.
25 The Project will fund the construction of restroom

1 facilities in two city parks that currently don't have
2 those facilities, using recycled content waste tires and
3 reused building materials.

4 The funding for the five proposals totals
5 \$369,888.

6 As Tom mentioned before, we've re-advertized the
7 additional \$130,000, and hope to get -- bring those
8 successful contractors back for your consideration at the
9 June Board meeting.

10 Staff is recommending the Board approve Option 1
11 and adopt Resolution 2002-172. We also have a revised
12 resolution that has the proposed contractors and the award
13 amounts that we'll be submitting as well.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you very
15 much.

16 Any questions?

17 Mr. Jones.

18 BOARD MEMBER JONES: Madam Chair, I'll move
19 adoption of Resolution 2002-172 revised, consideration of
20 contractors for the Green Building Contracts with local
21 government and state agencies, Fiscal Year 2001/2, Concept
22 Number 24, in the amount of \$369,888 total, for Sonoma
23 County, City of Los Angeles, County of Marin, Inland
24 Empire Utilities, and the City of San Diego -- San Bruno.
25 Sorry.

1 BOARD MEMBER MEDINA: Second.

2 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
3 motion by Mr. Jones, seconded by Mr. Medina, to approve
4 Resolution 2002-172.

5 Could we substitute the previous roll call
6 without objection?

7 Okay. We are going to go ahead and skip Number
8 31 and have that tomorrow, the discussions of threats to
9 the organic materials recycling industry in California.

10 And that brings us to the last item, Number 33.

11 DEPUTY DIRECTOR WOHL: Correct, this is the last
12 item for markets for today. Consideration of the
13 University of California, Davis, as contractor for
14 Conversion Technology Evaluation, Fiscal Year 2001/2,
15 Contract Concept Number 22.

16 This item also had a 4-0 vote in committee. It's
17 for \$40,000.

18 There was a question that Mr. Eaton asked
19 regarding the overhead cost. Staff has researched that.
20 The amount is 10 percent. So we feel like that's a pretty
21 low amount.

22 So we're asking for the Board to approve
23 Resolution 2002-179.

24 And Fernando Berton is available if you have any
25 questions. But he's got a sore leg, so it will take him

1 awhile to get down here.

2 CHAIRPERSON MOULTON-PATTERSON: Okay. We'll give
3 him time.

4 We have Senator Roberti, then Mr. Medina, then
5 Mr. Jones.

6 BOARD MEMBER ROBERTI: I just want to make the
7 motion because this is the last item.

8 CHAIRPERSON MOULTON-PATTERSON: Did you have a
9 question, Mr. Medina?

10 BOARD MEMBER ROBERTI: A paper in California said
11 I don't stay till the end.

12 (Laughter.)

13 BOARD MEMBER MEDINA: I just wanted to second
14 Senator Roberti's motion.

15 CHAIRPERSON MOULTON-PATTERSON: Did you have a
16 question?

17 Okay. We have a motion, a second, and a comment
18 from Mr. Eaton.

19 BOARD MEMBER EATON: No, I just think that you
20 voted against the recycling of the recycled newspaper one
21 time, and they're getting back at you.

22 (Laughter.)

23 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
24 motion by Senator Roberti, seconded by Mr. Medina, to
25 approve Resolution --

1 BOARD MEMBER MEDINA: 2002-179.

2 CHAIRPERSON MOULTON-PATTERSON: -- right,
3 2002-179.

4 Substitute the previous role call, without
5 objection.

6 Getting pretty good at that.

7 Okay, with that, any public comments?

8 MR. JONES: Madam Chair, just one quick question.

9 On Mr. Paparian's request on this thing, would he
10 also say they should look at the AB 117 report, which was
11 the basis for SB 876, rather than just narrowly at this
12 report -- at this tire subsidy report? You've asked for a
13 definite --

14 BOARD MEMBER PAPARIAN: I have asked for, you
15 know, what's intended by the definition of recycling.

16 BOARD MEMBER JONES: So what I'm saying is, under
17 117, which was the premise for all this stuff, I don't
18 know what's in there, but we ought to look.

19 BOARD MEMBER PAPARIAN: Sure. We'll go back to
20 the author's office 876, too.

21 BOARD MEMBER JONES: Either way. But 117 was the
22 same person.

23 Okay. Would that be okay, to look at those
24 supporting documents?

25 BOARD MEMBER PAPARIAN: In terms of figuring out

1 what was intended by the definition of "recycling". My
2 question is what was -- you know, is incineration intended
3 to be part of recycling or is it something separate from
4 recycling?

5 BOARD MEMBER JONES: Okay.

6 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you
7 all very much.

8 We're adjourned for the day.

9 (Thereupon the California Integrated Waste
10 Management Board meeting recessed until
11 9:30 a.m. on Wednesday, April 17, 2002.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board
7 meeting was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 2nd day of May, 2002.

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23 JAMES F. PETERS, CSR, RPR

24 Certified Shorthand Reporter

25 License No. 10063